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Foreword

It has been one year since SWAN Network was established. Not a long time, but we did achieve a lot.

Probably the most significant was the birth of the “SWAN-Chicken” in Lithuania and Ukraine. We wish them best luck.

In December, SWAN issued the first joint statement on the occasion of the International AIDS Day. It was a great feeling to simultaneously release the same letter to the media in 15 countries, in 15 languages.

Our members gave numerous media interviews in Albania, Bulgaria, Czech Republic, Hungary, Kyrgyzstan, Latvia, Macedonia – to mention only some.

From the initial 200, our Newsletter increased circulation to some 600. The Declaration of Rights of Sex Workers in Europe, endorsed by SWAN in Budapest in September 2006, has been translated into Albanian, Kyrgyz, Macedonian, Romanian, Serbian and Slovakian. It is currently being translated into other SWAN languages.

At this Network Meeting we welcome ten sex workers as participants. It is our hope that they will soon take leadership in the advocacy for sex workers’ rights in the region. Of great help in that will be Petra Timmermans, the coordinator of the International Committee on the Rights of Sex Workers (ICRSW) and Anna-Luise Crago, Communications Coordinator in the Toronto-based Stella group, the new SWAN consultants.

We would like to thank the All-Ukrainian Association for Harm Reduction for hosting us in the beautiful city of Kiev. And to SHARP-OSI for continuing their support.

We welcome Aliya Rakhmetova as the new Network Coordinator and the Kovcheg from Kazakhstan as the new SWAN member.

There is much to be done. But, thanks to the new technology, alliances among the sex workers around the world demanding basic human rights for all are easier today than ever before.

In 2007 SWAN shall grow bigger and contribute even more to this global movement.

Nebojsa Radic, HCLU, April 2007
About SWAN

Sex Workers’ Rights Advocacy Network is a network of civil society organizations engaged in advocating the Human Rights of the sex workers in Central and Eastern Europe, CIS and South-East Europe.

SWAN Coordinator: Aliya Rakhmetova, Hungarian Civil Liberties Union (HCLU), www.tasz.hu

HCLU Executive Director: Balázs Dénes,

About SWAN News

SWAN Issues a monthly newsletter SWAN News, in Russian and English

For the Publisher: Balázs Dénes, HCLU Executive Director
SWAN News Editor: Nebojsa Radic, HCLU Communications and Advocacy Consultant

To subscribe or unsubscribe, please send a message to swansubscription@tasz.hu with the following text in the subject line:

“Subscribe SWAN News” – to subscribe
“Unsubscribe SWAN News” – to unsubscribe

Please notify us if you want to receive the SWAN News in Russian or English.
Please send your opinions, comments, and questions to sexwork@tasz.hu

We thank Sexual Health and Rights Program (SHARP) of the Open Society Institute, www.soros.org for their financial support.

The authors’ views expressed in this newsletter do not necessarily reflect the views of the Open Society Institute’s Sexual Health and Rights Program or those of the Open Society Institute.

SWAN would like to thank the Sexual Health and Rights Program (SHARP) of the Open Society Institute, www.soros.org for their support.
SWAN Founding Principles

I. We understand sex work as the unforced sale of sexual services for money or goods between consenting adults. Sex work includes street prostitution, escort services, telephone sex services, pornography, exotic dancing and others.

II. Sex workers are human beings who have the same human rights as any other people. Sex workers should have the same rights and responsibilities as all other workers, and as every other citizen and resident.

III. Protection of the rights of sex workers is crucial for effective harm reduction, HIV/AIDS, hepatitis B and others STIs prevention and treatment efforts at all levels - individual, community and national. To ensure protection of these rights, sex workers should be able to work legally.

IV. Barriers preventing access to health, social, and drug treatment services need to be removed to improve the situation, quality of life, health and social well-being of sex workers.

V. Activities related to sex work between consenting adults should be decriminalized. All national criminal laws relating to adult prostitution should be repealed. All regional and local regulations targeting sex workers to prosecute the practice of their trade should be repealed.

VI. Sex workers and other community members should have an active role in designing commercial regulations of the sex trade.

VII. Targeted, pragmatic, and comprehensive social programs must be developed in consultation with sex workers and implemented to improve relations between the police and sex workers as well as between sex workers in the community at large.

VIII. Targeted, pragmatic, and comprehensive social programs must be developed and implemented with the involvement of sex workers to raise awareness about safer sex, safer drug use, and HIV/AIDS prevention, treatment and support.
Sex Work Media Tool Kit by the Urban Justice Center

The Urban Justice Center www.urbanjustice.org gave SWAN an exclusive right to preview parts of the toolkit that is still under development for the media representatives covering sex work.

The Urban Justice Center serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing.

Created in December 2001, the Sex Workers Project of the Urban Justice Center is the first program in New York City and in the country to focus on the provision of legal services, legal training, documentation, and policy advocacy for sex workers. Using a harm reduction and human rights model, the SWP protects the rights and safety of sex workers who by choice, circumstance, or coercion remain in the industry.

We are publishing three sections from the toolkit: on the myths surrounding sex work; about the anti-prostitution pledge introduced by the US Government; and on the demand approach.

The authors welcome feedback and suggestions on swp@urbanjustice.org.

SWAN thanks the Urban Justice Project for letting us preview the toolkit materials.

Sex Worker Myths vs. Reality

Many myths surround sex work and the sex industry. However, most do not stand up to factual examination.

**Myth: There is no good reason for anyone to go into or remain in sex work.**

**Reality: For many people, sex work is their best or even their only opportunity to earn enough to support their families.** Like all people, sex workers need empowerment through access to health care, job training, education, an end to discrimination, and opportunities to make a living wage in more than one way. They also face social stigma that can prohibit their movement into other forms of labor.

**Myth: Most sex workers are coerced or forced into doing it.**

**Reality: No evidence supports this claim.** Millions of people are involved in sex work worldwide. In a July 2006 study, the U.S. Government Accountability Office (GAO) found that current estimates of the number of people trafficked into any kind of work, including sex work, were questionable: “The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the U.S. government’s estimate was developed by one person who did not document all his work...” Sex workers are individuals whose reasons for engaging in sex work – and leaving it – are personal,
economic and social – as complex as anyone’s reasons for involvement in any type of work.

**Myth:** Allowing sex work to happen without criminalizing it will encourage human trafficking and coercion into the sex industry.

**Reality:** Giving sex workers more rights would likely discourage trafficking into sex work. In Thailand, for example, many people support extending labor and social security rights to sex workers on grounds that such policies would promote health and safety protections, allow labor unionization to improve working conditions, and expose and reduce the number of both coerced and underage sex workers. In India, members of the DMSC (a group of organized sex workers) identify minors and trafficked persons in their brothels and seek help for them.ii

**Myth:** Demand for sex work drives human trafficking.

**Reality:** People are susceptible to the lies and tricks of human traffickers because they are seeking better lives, a way out of poverty, joblessness and discrimination. Although the numbers are questionable,iii the International Labour Organization estimates that of the 2.45 million people trafficked internationally and internally between 1995 to 2004, the majority were coerced into involuntary servitude in farming, domestic house work, restaurant work, sweatshops etc. About 43 percent of cases involved forced commercial sex.iv In fact, the GAO report states that the U.S. State Department has claimed that legalized or tolerated prostitution nearly always increases trafficking, “but does not cite any supporting evidence.”v

**Myth:** Focusing law enforcement efforts on the customers of sex workers will stop the commercial sex trade.

**Reality:** It is not the number of customers but economic trends and social conditions such as unemployment and a shortage of living wage opportunities that determine the number of sex workers at any given time. Addressing basic human needs for education, equal opportunity and a realistic array of economic options would help to ensure that no one who enters sex work does so because of trickery or coercion. Studies of a 1998 law in Sweden that criminalizes customers found it pushed sex workers underground, where they are invisible to the law, subjected to more violent situations and more susceptible to being sold on the black market.vi

**Myth:** Sex workers are dangerous to the general population because most have diseases – they transmit HIV/AIDS and other sexually transmitted infections.

**Reality:** Sex workers are often more knowledgeable about sexual health – and practice safe sex more often – than the general population. They often act as sexual health educators for their clients and should be mobilized, not demonized, in the struggle to control HIV/AIDS. Where sex workers are not treated as outsiders or criminals, they are able to pursue health care that does not stigmatize them or violate their human rights. When sex workers know their human rights will be enforced and respected, they can and do seek health care and promote condom use by clients, safer working conditions and protection against violence. Where they are stigmatized, denigrated, jailed and forced underground, they live in the shadows without health care or legal protection.

**Myth:** Raids of brothels are the best way to help trafficked sex workers.

**Reality:** Raids of brothels typically lead to the arrest, detention, incarceration and deportation of people caught there. In many places, those
caught in a brothel raid are more likely to be abused by the authorities than helped.\textsuperscript{vii} Most “rescue” efforts assume that all sex workers are trafficked. Empowering sex workers to identify and assist people who have been coerced is the most effective way to combat trafficking into sex work. Solutions to trafficking are complex. Pulling people out of brothels neither “saves” nor “rescues” them. Civil society needs to address the factors that allow people to be lured into trafficking situations.


\textsuperscript{ii} Ditmore, Melissa. “In Calcutta, Sex Workers are Organizing”. In Affective Turn, Patricia Clough and Jean Halley, eds. Chapel Hill, NC: Duke University Press, 2007.


\textsuperscript{iv} Ibid., p. 12.

\textsuperscript{v} Ibid, p. 25.


\textbf{Taking the Pledge}

\textbf{Facts about the Anti-Prostitution Pledge}

Among the Bush administration’s restrictions on U.S. humanitarian and development assistance is one that requires all organizations receiving U.S. assistance for programs combating HIV/AIDS to formally pledge their opposition to prostitution and trafficking into sex work. Another restriction bars the use of federal monies toward activities that “promote or support the legalization or practice of prostitution.”

Similar restrictions also affect U.S. funding (both domestic and international) of anti-trafficking programs.

Introduced in 2003 by conservative anti-choice legislator Rep. Chris Smith (R-NJ), the pledge originally applied only to organizations based outside the United States. Since early 2005, however, domestic groups working internationally which receive HIV/AIDS funds have also been required to certify that they have a policy opposing prostitution and trafficking into sex work.

These policies run contrary to best practices in public health and are undermining efforts to stem the spread of HIV and human trafficking. The restrictions preclude recipients of U.S. funds from using proven effective practices to prevent the spread of HIV among marginalized populations, and undermine efforts to promote the fundamental human rights of all persons.

The organizations with the most effective HIV-prevention programs build their efforts on a sophisticated understanding of the social and personal dynamics faced by marginalized populations, and start by building trust and credibility among these populations. They recognize that it is necessary to provide social, legal and health services to men and women in sex work without judging them.
Basically, these restrictions require groups to express the government’s viewpoint on a controversial subject in order to remain eligible for grants. It even restricts the way organizations use their own private funds. The language is so confusing that organizations are unsure how to comply with it and government officials are unsure how to enforce it.

**The Anti-Prostitution Pledge is Counter-Productive**

- Sex workers are at high risk for contracting and transmitting HIV, so empowering them to lead HIV programs is essential to HIV-prevention efforts. But stigma, discrimination, and fear of fines and/or jail time make them reluctant to get involved with programs and prevent them from receiving information on how to protect themselves and others.

- The pledge does not address any of these issues, and sex workers cannot be expected to partner with groups that denounce them.

- The United States spends billions of dollars to support democratic principles and human rights, including freedom of speech, in developing countries. The anti-prostitution pledge undermines those principles.

- The pledge compels groups to discontinue effective and innovative programs and strategies to avoid being seen as “pro-prostitution” and losing critical funding.

**Sex Workers are Part of the Solution, Not Part of the Problem**

- Sex workers are often more knowledgeable about sexual health – and practice safe sex more often – than the general population. They often act as sexual health educators for their clients and should be mobilized, not demonized, in the struggle to control HIV/AIDS.

- An approach that recognizes sex workers’ human rights, addresses their needs, promotes safer behavior and improves their access to health and social services can empower them to overcome stigma and discrimination so they can insist upon condom use by clients and also fight for safer working conditions. This approach will attract sex workers’ support and achieve the goal of helping to curb the spread of HIV/AIDS.

**For more information:**


The Truth about Demand

Law enforcement and activists who denounce sex work have long focused on the “supply” side of the equation, prosecuting sex workers or their employers while ignoring the “johns,” or clients. In the 1990s, attention of these activists shifted to the “demand” side, arguing that arresting clients who patronize sex workers will eradicate the industry. At the behest of the Bush administration, Congress passed the “Trafficking Victims Protection Reauthorization Act of 2005” with the goal of ending “demand” for commercial sex.

The law is designed to provide federal funds to state and local jurisdictions to “investigate and prosecute persons who purchase commercial sex acts.” It also provides funding for “John Schools,” or mandatory lecture courses, to “educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts.”

This is a flawed approach.

"Demand" for sex work is not a predominant driving factor for trafficking, which is driven by poverty, race, and gender inequities.

The term "demand" also refers to the legitimate concerns raised by migrants and labor rights advocates who address the issues relating to the need in the Western Hemisphere for exploitable labor and services.

However, this narrow focus of the term in the context of sex work represents a dangerous move towards policies which, under the guise of protecting sex workers, are another way of undermining sex workers’ independence and causing more harm to them.

Focusing on “demand” is counter-productive:

- It is not the number of customers but economic trends and social conditions such as unemployment and a shortage of living wage opportunities that determine the number of sex workers at any given time.
- Addressing basic human needs for education, equal opportunity and a realistic array of economic options would help to ensure that no one who enters sex work does so because of trickery or coercion.
- The “demand” for sex, transactional or otherwise, is universal. Criminalizing certain types of demand will not make it go away.
- Criminalizing and stigmatizing sexual transactions drives the practice into the shadows where violence, extortion and coercion are more likely to thrive. In situations like these, people do not feel safe in seeking legal protection, out of fear of arrest, abuse or humiliation.
- Criminalization discourages sex workers, their clients, and brothel managers from responding to groups offering information or services on preventing the spread of HIV/AIDS.
- Social conservatives have hailed Sweden’s 1998 Violence Against Women Act, criminalizing the patronage of sex workers, as model legislation. But several studies of the law's effects, including one by Swedish police, found it led to poor results: it pushed sex workers underground where they are invisible to the law, subjected them to more violent situations and made them more susceptible to being sold on the black market.
• Sex workers point not only to their clients as a source of violence against them also to law enforcement officers,² who routinely harass, denigrate and assault them rather than protecting their human rights. Therefore, giving law enforcement more power makes sex workers even more vulnerable.

"John Schools” Don’t Work

So-called “John Schools” are defended first as a way to reduce demand for transactional sex by shaming clients of sex workers through exposure to the public eye; and second as a way to inform the clients about the risks of commercial sex, including sexually transmitted infections, for both themselves and sex workers.

• An estimated 20 cities in 10 countries have established “John Schools” since the first one was set up in San Francisco, CA in 1995.

• Little scientific research has been done on the effectiveness of “John Schools.” The research that has been done shows they are not effective in reaching their goals.
  o A 2001 study in Canada found that a significant number of clients said they would continue to frequent sex workers even after attending "John School."³
  o Another Canadian study found "little evidence that John-shaming measures have resulted in the diminution of street prostitution, but rather moved sex work from one area to another."⁴

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How to Get Most out of Your Web Site

By Nebojsa Radic

A recent review of SWAN members’ websites revealed that there is a room for improvement in using the Internet to send our message out. While most of us (but not all!) do have websites, in most of the cases they are not regularly updated. Sometimes they are identity brochures, having general info about the organization, program activities and contact details – and not news and updates whatsoever. Some websites have news features but “buried” on the second or third level of the
site. They are updated two-three times a year or - only in a few cases - on a weekly-monthly basis.

In most cases there is no mentioning of SWAN association and membership. Some members translate SWAN News but do not publish them on their website. Only three members posted the SWAN Statement on the World AIDS Day on their websites.

Here are some ideas for getting most of your website.

The Internet provides excellent communications opportunities - it combines **good features or electronic and print media.** In order to get the most out of it, think of doing the following:

- **Update the website continuously.** Internet sites can be updated continuously, in real time, similar to the radio. That is their advantage against print media, which are updated weekly or daily. Put online parts from your reports, new issues of SWAN News, press clippings that mention your organization or issues surrounding sex work.

- **Use the photography, if possible sound and movie.** The Internet enables convergence of media. Your website can contain sound, movie, text, and photography files. This possibility is revolutionized by the appearance of the reasonably priced digital cameras and voice recorders.

- Try to make your website a **dynamic, interactive news-carrying multi-media publication,** rather than a static “identity brochure”. So have the news from your organization or about sex work issues on the front page, rather then deep down on the third or fourth level under the “news”.

- Have **dynamic and changing front page.** The most current news and events should be on this highest level of the web site.

- Over the time, your website can become **sex workers rights web portal** in your country or regionally. Think of news, legal and human rights analysis, advocacy and comments, sex workers’ education, resource center, etc. Part of the content is outsourced through the Internet search engines (that monitor the Internet and news agencies and find the articles on the given topic), while you and sex workers community commission a part of it. The portal also links to the coalition members, human rights groups, gay and lesbian groups, government agencies, and similar sites abroad.
• Website can be an excellent **media relations and advocacy tool** – place your press releases, media invitations, backgrounders and press clips on it. Place photos and film clips that accompany your press releases on the Internet, so they can be downloaded and published for free.

• The Internet can be used as a cheap **survey tool**. Make online-surveys on particular issues, and publish results in real time (webmasters will know that it is all done automatically, by free to download software packages). Surveys are also an easy and cheap tool to make your website interactive.

• **Internet votes** on certain issues (i.e. every week different vote) are indicators of public opinion among the Internet users. They are accompanied by graphs that visually show the current voting results.

• The Internet makes it easy to **track the number of visits**, the most wanted content, time spent on the site, and geographical origin of the visitors. Again free to download software.

• Website is an excellent channel for a **feedback** from your target audiences and accidental visitors. Ask visitors to provide comments, recommendations, or to ask questions. Questions are automatically sent as an email to a person in your organization. It can be a communications person, or a web administrator who then directs the questions to appropriate staff who is qualified to answer them.

• Website and industry portals are also a “meeting place” and can have **discussion portals, classifieds, and chat rooms**.

• Your website can be a tool for **collecting names and addresses** of those interested in news, advocacy and analysis of sex work related issues. The visitors simply click on “Subscribe” button and give their email details. Un-subscribing is also done without an engagement from the web-master.

• Internet is an **excellent sales and marketing tool**. Start thinking of e-commerce. Costs are low and working hours are 24/7. T-shirts, mugs, badges, notes with logo of your organization, coalition or a campaign?

• There is **software developed** for all the above functions (e-commerce, visitors’ tracking, content updating, discussion portals, chat rooms, subscription, etc). All you need to do is find a good web designer.

• **Web designers** provide software for the site’s functioning. They also design the “architecture” of the site (so it is easy to navigate and logical in its structure).
Sometimes they can provide good visual design as well, but often you will have to contract another person for that.

Quotes, Media Coverage and Photography in Advocacy

By Nebojsa Radic

Quotes

Quotes and testimonies about our work are very useful communications tools. They are a specific third party validation, giving an objective opinion about our activities and results.

Good quotes improve our organization’s reputation, and position us as a reliable partner, somebody with whom the donors, governments, civil society, private sector, media institutions and individuals want to be associated.

Even more, they can help us positioning ourselves as the partners to whom those who want to seriously tackle the issue of sex workers rights in the SWAN regions have to talk and work with.

We promote policies to protect sex workers’ rights in our societies. But the ideas we advocate will battle with other ideas in the public arena. With the development of the Internet media and blogs, people do not suffer information deficit any more, but rather struggle with the excess of information, with aggressive voices that search for listeners.

In such situation, the reputation and credibility of the promoter of the idea is more important then ever before.

Facing several policy proposals, from the area which I do not understand well, I will take more seriously those ideas promoted by the organizations which have good credentials, proven track of records, knowledge, experience and expertise in the field. I will also listen to those organizations which are associated with some other well-respected organizations, individuals or project and initiatives.

In order to improve your organizational reputation, a good quote should come from:

→ well-respected organizations or individuals
→ donors and project partners
→ important players in the human rights and public health scene
It will associate our organization with:

→ successful projects and policy initiatives
→ well-respected partners, donor organizations and individuals
→ with expertise in the issues of sex workers rights in CE, EE, and CIS

Quotes should be collected into some sort of “quote sheets”. You can call them “Quote Sheet”, “Testimonies about our work”, or similar.

Quote sheets may be general, or focused on one topic, project, or policy initiative. You can create several quote sheets for different purpose.

They should be used across the board and repeated in all communications products: in brochures, on the Internet, in project reports, or even in project proposals, in the annual report. They can be handed over to the journalist before or after an interview with you. They can be included in press kits distributed at your press conference.

In addition to the quotes on our organizations and projects, we can create quote sheets on sex work and sex workers’ rights in general. Their purpose is to promote the general issue surrounding sex workers human rights.

**TIPS:**

- Review the evaluation forms from the training seminars or conferences that you have organized so far. Select a few quotes that express the best the achievements and the atmosphere from the event.
- Collect quotes from press clippings or individual letters from partners or donors.
- Write it down, if you hear a good sentence at a policy discussion.
- Put the quotes together into a general quote sheet.
- Once you collect a dozen or so quotes, you can start developing more focused quote sheets.

**Media Coverage**

Positive media reports about us and our projects are in a way extended quotes. They are an independent insight into our work.

Similarly to a good quote, a positive media report about our organization or project can improve our organizational reputation and credibility.

In addition to that, a good media article about the issues surrounding sex workers rights, even though our organization and project are not mentioned at all, can support our cause.
But, while many organizations collect and analyze the news coverage of themselves and the issues they are promoting, only a few use it in their publicity and advocacy.

Good press coverage should be collected and used in all appropriate communications means. It should be posted on the website, quoted in project reports, in brochures, and displayed on the bulletin board in the office. It can be photocopied and included in the press kit, together with backgrounders, quote sheet, reports, etc. Photocopied press clippings can be distributed as promotional material at the open days or when meeting public officials.

**TIP:**

Review press clippings about your organization and sex work issues in national and international media and select a dozen to put on the website. Maybe you can obtain a Real Audio or MP3 file from the radio or TV station that did a report from your round table and post it on your website too? Outstanding coverage from your national media should be translated into good English so it can be posted on the main SWAN website.

**Photography**

“One picture tells more than 1000 words”, goes an old Chinese saying. TV, the most popular media, has to thank its popularity to the fact that it shows “moving pictures”.

People believe more to what they see, then to what they hear or read about.

Technology is so advanced today that we should consider posting on our websites even video clips from our policy briefings, round table events and press conferences.

But if posting movies is too much for you, then there is no excuse for not collecting photography and using it in your communications and advocacy projects.

All you need is a small and relatively cheap digital still camera.

Smaller size photos are enough for websites, bigger are necessary for printing.

To print on a glossy paper (used for brochures) we will need photos that have around 300 dpi (“dots per inch”). Dot is the same as pixel. One inch is around 2,5 cm. Unfortunately there is no such thing as “dpc” – “dots per centimeter”.

So, for printing a 3x2-inch photo (7,5 by 5 cm) on glossy paper we will need 3x300 x 2x300 = 540.000 pixels.

The cheapest cameras have a resolution of 640 x 480 = 307,000 pixels – which is good enough for web graphics and e-mailing pictures to your friends, but not much else, certainly not for printing brochures.

In general, 1 mega pixel camera should be more than enough for printing on various brochures, annual reports, leaflets and similar. Of course, if you wish to print a poster, you will need a better camera.
Some upsampling is possible. That means to add resolution or pixels after the photo is taken, in order to make a bigger print. Your designer might do it in the Photoshop.

Tips for Sex Workers Giving Media Interviews

An excerpt from the Media Survival Guide for Sex Workers by Alexandra Beesley

As a documentary maker and sex worker I have worked with such people as Sky Television, Granada, ABC, BBC, SBS and ITV, and have experienced first hand how easy it is to manipulate, titillate and use footage and sound bites out of context.

The media's power to influence our culture is obvious and mainstream media's tendency to gravitate towards the superficial and sensational means that people who work in the sex industry are generally portrayed under a negative light, enforcing and perpetuating stereotypes.

If you've been approached by any media organisation or representative to do a documentary or interview, here are a few tips that may help you decide whether you will participate or not:

- Establish who the Producer, the Director, Broadcaster and Production Company are
- Find out how long the Broadcaster holds the Rights to the program, in which countries or territories it will initially be shown, and how many times
- Will there be video or cable distribution of the program?
- Will the program ever be shown on the Internet?
- Will your image be used to promote the program?
- Make sure you see draft of the program, or list of questions if an interview. If possible, ascertain the motivation of the program's creators.
- If you feel you must remain anonymous, don't participate in the program. Wigs don't work, and promises of "fixing it in post-production" or "fixing it in the edit" should not be depended upon.
- See if the production company or program makers have done any previous work, and if so, locate or request a copy to view. Production companies or program makers can perhaps be researched on the Web.
- Payment: It is not unreasonable to request payment. Remember, without your participation there is no program. As a documentary film maker, I make sure everyone gets paid, but most Australian media do not pay documentary participants. American and European pay rates vary dependent upon how much time is involved. I pay $1,000.00 (Australian) for a 5 day shoot, for a 4 hour maximum day. Payment for interviews varies from $150.00 - $1,000.00, depending upon who you are, what you're saying and who the production company is...
- Release forms: By signing a release and consent form, you are signing away all your rights to the work you have just done for the program in perpetuity. Once you have signed it, there is usually little you can legally do to then prevent your likeness being used in any way by the broadcaster / production company. Also be aware that any production company / broadcaster will usually insist that you sign such a document.
This is often tricky, my suggestion would be to try and sign the form after you have completed your role in the program (i.e. at the end of the day), and only sign if you feel confident that the work you've done for the program maker, combined with the integrity of the program maker themselves, will not cause you any adverse effects at some future date. You may also attempt to request to view the final cut, though often program makers will agree to almost anything in order to obtain your release and consent, and if you really want them to follow through, ensure that your requests are actually included in the document you are signing. This also applies to any payment that may have been offered, and requests for a copy of the finished product. Always make sure you get a copy of the release form, as well as a copy of the finished program at the end of it all.

The final point to remember is that Film and Television programs (and to a lesser extent, radio, print media and Internet) are forever. Who knows when and where the program will be shown 5, 10, 15 or even 20 years from now. How will this program going to air, going to video, going to cable or being endlessly repeated on late night television will impact upon you. Think about where you may be at in your life at this time and how it could impact upon it before making any decisions.


Criticism of the Media Portrayal of Sex Workers and Sex Work

Excerpts from an article by Jo Weldon, published on the Sex Worker's International Media Watch website, http://www.swimw.org/

- “Serious” reporters may not want to focus on sex workers' concerns because they may be considered "frivolous" or "sensationalistic" for doing so. However, millions of people work in the sex industry the world over, making coverage of their concerns a legitimate issue which affects millions of laborers rather than a great opportunity to increase ratings.

- When strippers in New York organized protests against zoning regulations which were designed to shut down adult businesses, the initial response of the New York Times was to trivialize the protests on the basis of low attendance, without examining the validity of the workers' claims or the reasons that many workers in and supporters of the sex industry might be hesitant to show their faces at a media event.

- There is a war of credibility going on between abolitionist activists who define prostitution itself as a form of violence against women, and sex workers' rights groups and anti-trafficking activists who wish to combat trafficking separately from sex work. Abolitionists are less likely to discuss women trafficked into the garment industry or agricultural industry. If you are a journalist investigating trafficking in women, do not forget the women and children working in slavery-like conditions in sweatshops.

- The assertion that pornography is, or contributes to, violence against women, is often stated as fact. It is theory. Pornographers make pornography. Rapists commit rape.
• A notable percentage of sex workers "rescued" from sex work by prostitution-abolitionist organizations return to sex work (as stated by the UN Special Rapporteur on Violence Against Women), or end up working for the organizations which rescued them. This is worthy of investigation.

• Prostitution-abolitionist activists, whether community-oriented or feminist, almost always have more funding, media access, and popular-opinion support than sex workers' rights activists have. Both sex workers' rights advocates and prostitution abolitionists are against trafficking in women, domestic violence, and sexual exploitation of children.

• When sex workers are in the news, they are often portrayed as being a blight upon communities when they are in fact members of those communities. Assumptions are made about the negative secondary effects their businesses are said to have on their own communities, effects which may be better addressed by direct intervention than by closing sex businesses.

• Whether sex businesses are the causes or the symptoms of problems in communities is rarely considered. The possibility that they are a valid source of employment is even more rarely considered.

• The reasons for sex workers being in the sex industry are rarely questioned but often seem to be assumed to spring from a combination of amorality and limited intellect, or from being part of a mysterious, insensitive, and primitive third-world culture. When they attempt to discuss their concerns with media representatives, they may be mocked or portrayed in sensationalistic ways, or their other concerns may be buried under a reporter's urge to portray them poignantly.

• When hard news, such as legislative decisions, concern sex work, the issues are often reported as human interest rather than as news which involves the legitimate and immediate concerns of laborers and tax-payers. The problems of adult sex workers are conflated with those of abused and violated children who have been inducted into the sex industry, which is not useful for combating violence against either the children who are being exploited or the adult workers.

• When a former sex worker reports that while working as a prostitute she or he was beaten by a spouse, was addicted to drugs, and was defrauded by employers, she or he is not describing prostitution. She or he is describing domestic violence, drug addiction, and labor violations.

• It is rare that sex workers or the owners of sex-oriented businesses enter the business from a position of economic privilege. This, also, is rarely discussed.

• The vast majority of research on sex work, from all sides, is often biased and inadequate, and the competition for funding for such research is fierce.
Elements for Ethical Guidelines for Media Covering Sex Work
For Internal SWAN Discussion Purposes

- **Accuracy:** Media practitioners should ensure that all reports are accurate and balanced through keeping themselves informed of current statistics, international and national policy debates on sex work, and by participating in training programs. Where media are unsure of facts these should be verified through obtaining the assistance of experts.

- **Balance:** Reports should be balanced not only in relation to content but also in terms of placement of stories in the media.

- **Sensationalism:** Media should guard against being sensationalistic in relation to the use of language, headlines, captions and banners, especially where they may result in harm to sex workers and their families, or in perpetuating stigma and discrimination against sex workers in general.

- **Sources:** Media should ensure proper sourcing including at least two sources per article, whose identity must be protected at the source’s request. No story about sex work should be written without consulting sex workers.

- **Identity:** Media should protect the identity of sex workers. Sex workers should be informed that the report or interview might be re-broadcasted one, five or ten years after they are initially produced.

- **Conflict of Interest:** Journalists should disclose whether there is a conflict of interest especially when receiving gifts or sponsorships from organizations, institutions and corporations, in particular those promoting abolitionist views.

- **Independence:** Reporters should act independently and maintain a healthy distance from activists, government and others so as to ensure that their independence and judgement are not compromised.

- **Diversity and non-discrimination** in media reporting is encouraged, taking into account cultural norms and values.

- **Informed reporting through providing context:** Statistics should be placed in context taking into account and acknowledging the underlying cultural, gender and socio-economic factors that cause the entry into sex work.

- **Advocacy Journalism:** Media are justified in motivating their own views; as such it is a duty and a responsibility for reporters to use advocacy journalism especially where the actions of stakeholders are viewed not to be reasonable and objective. As such advocacy journalism on sex workers is just as relevant today as what it was in the 1980’s when reporting on apartheid in South Africa. However, it is important for journalists to be self-regulating and to guard against twisting the facts.

- **Stereotypes** should be avoided. Sex work does not equal trafficking; sex workers are not victims; sex work is not exploitation of women.

- **Minority portrayal** rules apply to sex workers as well. Not “52-Year Old Black Man Murdered a 23-Year Old Sex Worker” but “52-Year Old Man Murdered a 23-Year Old Girl”.

- **Language:** sex worker, not prostitute; avoid terms such as innocent, victim, guilty, promiscuous, whore.

Partly adopted from the Ethical Guidelines in Reporting on HIV and AIDS for the South African Media, Cadre, [www.journaids.org](http://www.journaids.org)
Background to the Declaration of the Rights of Sex Workers in Europe

In response to increasingly repressive legislation, policies and practice across Europe, a small group of sex workers and allies in the Netherlands got together in 2002 to organize a conference to give sex workers a voice. This small group put out a call across Europe to sex workers, sex work projects and sex workers’ rights activists to ask others to join them. An Organizing Committee was formed, the majority of whom were sex workers. A legal body, the International Committee on the Rights of Sex workers in Europe, was created to raise funds and host the conference.

The committee decided it wanted the conference not only to give sex workers a voice but to create tools that sex workers could use in defending their rights across Europe and to create alliances with human rights, labor and migrants organizations. One of the tools the committee decided to develop was

- A Declaration of the Rights of Sex Workers in Europe – created by sex workers and international human rights experts setting out current violations of the rights of sex workers across Europe, affirming the rights sex workers have under current human rights legislation in Europe and identifying the measures that need to be taken by states to respect, protect and fulfill the rights of sex workers.

The committee undertook a year long consultation with sex workers across Europe and international human rights, labour and migration experts, the results of which were collated and the evidence gathered was used to produce a draft declaration for sex workers and allies to consider at the conference.

This declaration was elaborated and endorsed by 120 sex workers and 80 allies from 30 countries at the European Conference on Sex Work, Human Rights, Labor and Migration on 16 October 2005 and presented on the third day of the conference, hosted by Monica Frassoni, Italian Member of European Parliament, Greens – European Free Alliance in the European Parliament, on 17 October 2005 where it was endorsed and signed by Vittorio Agnoletto, Italian Member of European Parliament, Confederal Group of the European United Left – Nordic Green Left.

The Future

The Declaration of the Rights of Sex Workers in Europe will be distributed across Europe and through the www.sexworkeurope.org website, initially in English. Sex workers have translated the document into French, German, Russian and Spanish (the other conference languages). We hope to arrange translation into many other languages used in Europe in the future.

SWAN and the Declaration of the Rights of Sex Workers in Europe

SWAN members endorsed the declaration at their first Network Meeting in Budapest in September 2006. Since then, SWAN members have translated the declaration into Albanian, Kyrgyz, Macedonian, Romanian, Slovakian and Serbian, and used it in advocating for sex workers’ rights in their countries. The declaration is currently being translated into other SWAN languages.

It is the hope that others will support the human rights of sex workers in Europe by becoming signatories to this Declaration.

For more information go to www.sexworkeurope.org or email info@sexworkeurope.org
The Declaration of the Rights of Sex Workers in Europe

This declaration was elaborated and endorsed by 120 sex workers and 80 allies from 30 countries at the European Conference on Sex Work, Human Rights, Labour and Migration 15-17 October 2005, Brussels, Belgium

Why do we need a Declaration of the Rights of Sex Workers in Europe?

Different approaches have been adopted across Europe responding to the sex industry and female, male and transgender sex workers – including migrant sex workers – ranging from the acceptance of sex work as labour and the introduction of labour rights for sex workers through to the criminalisation of a wide range of practices associated with sex work, which at times results in the criminalisation of the status of sex worker, sex workers partners or their clients.

Over the last years, legislative measures that restrict the fundamental rights and freedoms of sex workers proliferate at local, national and international levels, claiming to be in the interests of combating organised crime and promoting public health. However, many of these measures are implemented against the policy and principles set out by advice of UNAIDS and the World Health Organisation which note that repressive legislation restricting the rights of sex workers in fact undermines public health policies by driving the sex industry underground, making practices central to safe sex evidence of crimes such as possession of condoms. In addition, such measures contradict the European Parliament’s Resolution on Violence Against Women\(^1\) that called for the decriminalisation of the exercise of the practice of prostitution, a guarantee that prostitutes enjoy the rights of other citizens, and the protection of prostitutes’ independence, health and safety.

Moreover, many measures are in violation of the obligation of States under international human rights law to respect, promote and protect the human rights of all persons within their territory, without discrimination, and including the right to privacy, to a family life, to legally leave and return to one’s country, to be free from torture, inhuman or degrading treatment and from arbitrary detention, and in favour of the freedom of expression, information, association and movement.

Despite the fact that evidence shows that migrant workers in all sectors face increasing levels of abuse and exploitation with impunity European responses to increasing international migration have focussed on restrictive legislation with little attention paid to protecting migrant’s rights and freedoms. To date Bosnia and Turkey are the only European countries to have ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which came into force 1 July 2003.

Sex work projects and sex worker’s organisations in Europe have substantial recorded and anecdotal evidence that discriminatory legislation and behaviour, which cannot be justified on the grounds of protecting public health or combating organized crime, restrict the fundamental rights and freedoms of sex workers, at local, national and international levels. These practices occur across health and social care, housing, employment, education, administrative law and criminal justice systems. Not all countries are listed below, however there is not one

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\(^1\) European Parliament Resolution on Violence against Women, 1986, Doc. A2-44/86.
country within Europe – including those with regulated sex industries – where sex
workers have not reported discrimination and violations of their human rights.

In Austria sex workers are subjected to mandatory sexual health controls, but
other sexually active citizens are not thus promoting the image of sex workers as
‘unclean’, and violating the principle of non-discrimination.

In Finland, it is illegal for sex workers to work together for their own protection
without the sex workers facing prosecution for ‘pimping’ one another, violating
their rights to peaceful assembly and association and favourable conditions of
work. In France, a sex worker’s child, upon reaching the age of majority, may be
prosecuted with ‘living off’ the sex worker’s earnings, violating the right of sex
workers to respect for his/her private and family life and to be free from arbitrary
interference with this right.

In Greece, where sex work is legal and sex workers registered, a sex worker
cannot marry. If they do, they are not allowed to continue to work legally and will
loose their license. Sex workers are therefore forced to choose between the
enjoyment of their right to marry and found a family or their right to livelihood and
to practice a profession. No one should be forced to make this choice.

In Italy, with impunity police confiscate and throw away or burn sex workers’
possessions, thus violating sex workers’ right to property and the state’s obligation
to provide an effective remedy in respect of protecting their right to property, to
equal protection of the law and to protection against discrimination.

In the Netherlands, where sex work is accepted as legal work, migrant sex
workers, as the only category of employees, are as a category excluded from
getting legal work permits, thus violating the right to non-discrimination, as for all
other types of work non-nationals can obtain a legal work permit when the
conditions as laid out in the Law on Migrant Workers are fulfilled.

In Portugal (and many other countries) sex workers loose custody of their children
through social services or family courts solely because of their occupation, and not
based on any specific evidence of harm or incapacity to parent, violating their right
to be free from arbitrary interference with their family life and non-discrimination.

In Romania, where sex work is illegal the government has forbidden its citizens to
engage in sex work. As a result of pressure from the Romanian government the
Austrian government has terminated the permits of Romanian sex workers and
women who have worked legally in Austria may face retribution on their return,
violating their right to seek gainful employment in a country other than their own.

In Russia, police threaten sex workers that they will be sold into slavery and force
them to have sex without payment, thus violating the obligation of the state to
provide an effective remedy in respect of protecting sex workers’ right to security
of person and equal protection of the law.

In Slovakia, health care workers with impunity refuse medical care to sex workers
and make discriminatory comments to pregnant sex workers challenging their
suitability to bear children, violating their right to protection by the state of the
highest attainable standard of physical and mental health and to found a family.

In Spain, sex workers in brothels are required to undergo and pay excessive fees
for sexual health checks by the owners. The results of their tests are not treated
confidentially; the state is failing to provide an effective remedy in respect of
protecting their right to privacy, health and the violation of medical codes of
practice.
In Sweden, politicians and policy makers have threatened to withdraw from public debates if sex workers are also to participate and sex workers have been systematically excluded from public debate, violating their right to freedom of expression and opinion.

In the United Kingdom, where street-based sex workers are criminalised, Anti-Social Behaviour Orders are used to restrict freedom of movement and in some cities posters identifying sex workers with names and photographs have been printed and distributed in communities, violating the right to privacy and to participate in public life; exposing sex workers to discrimination and violence. Under international law it is a fundamental human right that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law”. However, there must be real doubt as to whether sex workers in Europe have, in practice, equal access to the protection of the law. There are, for sex workers in Europe, compelling reasons to avoid using the judicial system to challenge discrimination, violence and other abuses through the courts.

History of the Declaration

The process leading to the Declaration was initiated by SIGN (Sexwork Initiative Group Netherlands), a network of Dutch sex workers and sex worker rights activists.

The establishment of SIGN was the first step towards creating a broader base of individuals from across Europe interested in organising a conference and advocating for the rights of sex workers in Europe. In June 2003 SIGN solicited participation from sex workers and sex worker organisations across Europe to join them in planning a conference. In January 2004 an international Organisation Committee (OC) was established consisting of 15 individuals, the majority being current or former sex workers, including migrants, from several European countries. The OC does not have representation from all countries or groups in Europe, but is supported by a large number of sex workers, sex workers’ rights activists and organisations working with sex workers across Europe and beyond.

It was decided by the OC that a Declaration of the Rights of Sex Workers in Europe would provide a framework for organising the conference and meet the on-going need to raise awareness of sex workers’ human rights and provide a framework within which to examine and challenge the undermining and violation of sex workers rights.

The OC established a legal body, the International Committee on the Rights of Sex Workers in Europe (ICRSE) to both coordinate the conference and as a basis for future initiatives.

Although producing the Declaration was identified as the immediate task, the International Committee on the Rights of Sex Workers in Europe also committed itself to developing on-going strategies for gaining public and political recognition and acceptance of the principles in the Declaration.

What is the Declaration?

The Declaration is not intended to be a legal document and its existence does not establish a legal framework that protects the rights of sex workers in Europe. The Declaration merely identifies human, labour and migrants rights that sex workers should be entitled to under international law and points out the states obligation to ensure

- that it does not violate rights,
• that others do not violate rights
• that all structures of the state are organised to ensure that diverse persons can enjoy and exercise their rights

The Declaration is a synthesis of all the rights that have been agreed in international treaties and covenants, to uphold for all citizens, together with specific proposals to states for steps and policies that would ensure the protection of those rights for sex workers.

The first section of the Declaration outlines the rights of all human beings within Europe. This is in all cases a simple statement taken from international agreements that European governments have signed.

The second section of the Declaration sets out measures for each of the identified rights that the signatories to this Declaration believe are needed to ensure that the rights of sex workers in Europe are respected and protected.

The international treaties that have been referred to in drafting this Declaration are:

1. UN International Covenant on Civil and Political Rights, 1966
2. UN International Covenant on Economic, Social and Cultural Rights, 1966
3. UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979
4. UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
5. UN Convention Relating to the Status of Refugees 1951
6. ILO Convention concerning Forced or Compulsory Labour (no. 29), 1930 and the Abolition of Forced Labour Convention (no. 105), 1957
7. ILO Freedom of Association and Protection of the Right to Organise Convention (no. 87), 1948
8. ILO Migrant Workers (Supplementary Provisions) Convention (no. 143), 1975

2 NB: Art. 2 of the Migrant Workers Convention, 1990, defines a migrant worker as any person “who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.

Moreover, it is based on a number of fundamental Declarations:

10. UN Universal Declaration of Human Rights, 1948
11. UN Declaration on the Right and Responsibility of Individuals, 1999
12. UN Declaration on the Elimination of Violence against Women, 1993
13. UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
14. ILO Declaration on Fundamental Principles and Rights at work, 1998
15. ILO Recommendation Migrant Workers (no. 151), 1975
17. EU Charter of Fundamental Rights, 2000
The International Committee on the Rights of Sex Workers in Europe selected from these treaties the rights threatened by discriminatory legislation and practice in Europe. They are:

- The right to life
- The right to liberty and security of person
- The right to be free from slavery, forced labour and servitude
- The right to freedom from torture, inhumane or degrading treatment
- The right to be protected against violence, physical injury, threats and intimidation
- The right to privacy and protection of family life, including the right to be free from arbitrary or unlawful interference with privacy, family, home or correspondence and from attacks on honour and reputation
- The right to marry and found a family
- The right to liberty of movement and residence
- The right to leave any country, including one’s own, and to return to own country
- The right to seek asylum and to non-refoulement
- The right to equal protection of the law and protection against discrimination and any incitement to discrimination
- The right to a fair trial
- The right to freedom of opinion and expression
- The right to work, to free choice of employment and to just and favourable conditions of work and protection against unemployment
- The right to the highest attainable standard of physical and mental health
- The right to peaceful assembly and association with others
- The right to organise, to freedom of association and to form and join a union
- The right to information for documented and undocumented migrants
- The right to an effective remedy
- Principle of non-discrimination
- The right to participation in the cultural and public life of the society
- Obligation of States to combat prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotypes roles for men and women

Within the Declaration itself we focus on those rights that are most threatened within Europe. The Declaration is not a demand for special rights to be given to sex workers, but is based on the principle that selling sexual services is not ground for sex workers to be denied the fundamental rights to which all human beings are entitled under international law.

Solidarity
The extensive consultation process across Europe leading to the presentation and endorsement of the Declaration has been crucial in developing this collective commitment to the human rights of female, male and transgender sex workers, including migrants. Bringing together individuals and groups with widely differing experiences and perspectives has allowed “the broader view” to be taken of the importance of promoting respect for the rights of sex workers in Europe. Drawing up the Declaration has served to emphasise the common factors between sex workers and other marginalised groups whose rights are not always respected. Finally, the Declaration allows us in Europe to make connections with the rest of the world. The Declaration, although specific to Europe, provides us with a language - the language of rights – that all countries in the world may understand and share.

Use of the Declaration

Information is a powerful force. By stating existing rights, the Declaration is intended, firstly, to act as a tool for empowering sex workers to stand up for their rights with authority and justice on their side.

Secondly, the Declaration aims to act as a benchmark by which we can judge what has been achieved, what progress we are making and where to direct our future efforts. It provides a basis for organisations and groups to lobby for universally accepted rights to be upheld and to act as advocates with sex workers in particular cases where their rights might be in dispute.

Thirdly, it offers guidance to organisations and institutions seeking to achieve equitable, non-discriminatory policy and practice.

Finally, it stands as a foundation from which to view the future. By providing guidelines it allows us to judge whether proposed legislation respects or diminishes the rights of sex workers. It also gives us a long-term aim – that of winning public recognition that respect for the human rights of all is integral to a healthy society.

If you wish to be included as a supporter or if you are able to provide evidence of successes or failures in promoting human rights for sex workers, please contact the International Committee on the Rights of Sex Workers in Europe at info@sexworkeurope.org

The Declaration of the Rights of Sex Workers in Europe

Preface

This Declaration is made by sex workers and by organisations dedicated to promoting their human rights and welfare. The Declaration lists rights that all individuals within Europe, including sex workers, enjoy under international human rights law; the Declaration then prescribes measures and recommends practices that the signatories of the Declaration believe are the minimum necessary to ensure that these rights are respected and protected. These rights must be respected and protected in the development and implementation of policies and programmes designed to address trafficking, irregular migration or terrorism.

The Declaration

All individuals within Europe, including sex workers, are entitled to the following rights under international human rights law. All European Governments are obliged to respect, protect and fulfil:

I. The right to life, liberty and security of person
II. The right to be free from arbitrary interference with one’s private and family life, home or correspondence and from attacks on honour and reputation

III. The right to the highest attainable standard of physical and mental health

IV. The right to freedom of movement and residence

V. The right to be free from slavery, forced labour and servitude

VI. The right to equal protection of the law and protection against discrimination and any incitement to discrimination under any of the varied and intersecting status of gender, race, citizenship, sexual orientation etc

VII. The right to marry and found a family

VIII. The right to work, to free choice of employment and to just and favourable conditions of work

IX. The right to peaceful assembly and association

X. The right to leave any country, including one’s own, and to return to one’s own country

XI. The right to seek asylum and to non-refoulement

XII. The right to participate in the cultural and public life of society

These human rights are established in international treaties that European Governments have agreed to uphold.

Moreover, most treaties contain a non-discrimination clause, stipulating that these rights should be applied without discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. In addition the UN Human Rights Committee has stated in General comment 15 – “each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens”.

Although these rights apply to all human beings, the experience of sex workers all over Europe is that States do not respect, protect, fulfil and promote their rights on the basis of equality with other nationals.

We hereby declare the rights of sex workers in Europe and urge European Governments to ensure compliance with them.

I. Life, Liberty & Security

Sex workers have the right to life, liberty and security of person, including in the determination of their sexuality, and in respect of this right:

1 No person should be forced, by other persons, to provide sexual services against their will, or under conditions they do not consent to.

2 Condoms are vital for the protection of their life and security; as such the confiscation of condoms from sex workers should be prohibited.

3 Governments should end the impunity for the disproportionate level of violence and murder committed against sex workers in all countries, including investigating and punishing abuses committed by law enforcement officials.
II. Privacy & family life

Sex workers have the right to be free from arbitrary interference with their private and family life, home or correspondence and from attacks on their honour and reputation, and in respect of this right:

4 No person should be denied the right to establish and develop relationships\(^2\); the labelling of sex workers partner’s and adult children as ‘pimps’ is discriminatory and implies that it is not appropriate for sex workers to have a private and family life and for other persons to establish or develop relationships with sex workers which can lead to the denial of services.

5 Sex workers have the right to determine the number and spacing of their children. Current or former engagement in sex work should not be considered grounds for challenging a person’s fitness to be a parent or have custody of his or her children.

III. Health

Sex workers, regardless of immigration status, have the right to the highest attainable standard of physical and mental health, including sexual and reproductive health and in respect of this right:

6 No person should be subject mandatory sexual health and HIV screening. All health tests should be conducted with the primary goal to promote the health and rights of the person affected.

7 Information about sexual health and HIV status should be kept confidential.

IV. Freedom of Movement

Sex workers have the right to freedom of movement and residence, and in respect of this right:

8 No restrictions should be placed on the free movement of individuals between states on the grounds of their engagement in sex work.

9 No restrictions should be placed on the freedom of movement of individuals within states and their communities. All regulation, at any level, that seeks to control sex workers must not infringe rights to freedom of movement, including the freedom to leave and return to one’s residence, visit family or access services.

V Freedom from Slavery & Forced Labour

Sex workers have the right to be free from slavery, forced labour and servitude, and in respect of this right:

10 Measures should be taken to ensure that sex workers enjoy full labour rights, are informed of them and have access to the full range of measures and standards to end exploitative working conditions.

11 Measures should be taken to provide appropriate assistance and protection to victims of trafficking, forced labour & slavery like practices with full respect for the protection of their human rights. Provision of residency permits should be provided to ensure effective access to justice and legal remedies, including compensation, irrespective of their willingness to collaborate with law enforcement. Trafficked

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\(^2\) In accordance with a judgement of the European Court of Human Rights, the right to privacy includes the right “to establish and develop relationships with other human beings, especially in the emotional sphere, for the development and fulfilment of one’s own personality.” Dudgeon v United Kingdom, Judgement of the European Court of Human Rights (1981) 4 EHRR 149.
persons must not be returned to situations in countries that will lead to their re-trafficking or result in other harms.

**VI. Equal Protection of the Law & Protection from Discrimination**

Sex workers have the right to equal protection of the law including access to effective remedies as well as protection against discrimination and any incitement to discrimination and in respect of this right:

**12** Where a sex worker has not committed an offence and the selling of sexual services is not illegal law enforcement officers must be prohibited from abusing their authority by interfering or harassing sex workers. When engaged in criminal investigation or arrest, law enforcement must respect the rights of all accused and defendants regardless of their status as sex workers.

**13** States are responsible for investigating, prosecuting and adjudicating crimes committed against persons regardless of their involvement in sex work or immigration status and measures should be taken to ensure that the criminal justice system is capable and able to respond to crimes reported by sex workers, including providing training and oversight for law enforcement officers, prosecutors and judiciary. The evidence of a sex worker in criminal proceedings should not be dismissed on the basis of their status as a sex worker.

**14** No person should have their legal belongings arbitrarily confiscated or destroyed by law enforcement agencies.

In respect to the right to protection from discrimination:

**15** No person should be discredited in civil and family courts because of his or her current or former engagement in sex work.

**16** Measures should be taken to protect sex workers and their dependents from discrimination in the areas of employment, housing, legal services, childcare and the provision of medical, social and welfare services, and from arbitrary and unjustified discrimination by private insurance companies;

**17** There should be public and professional education whose specific objective is the elimination of discrimination against sex workers.

**VII To Marry & Found a Family**

Sex workers have the right to marry and found a family, and in respect of this right:

**18** Current or former engagement in sex work should not restrict or prohibit sex workers from marrying the partner of their choice, to found a family and raise children.

**19** Government should ensure that current or former engagement in sex work should not prevent sex workers and their families from accessing health care and governments should further ensure that public authorities and health services do not discriminate against sex workers and their families and respect their right to privacy and family life.

**VIII. Work & Just and Favourable Conditions of Work**

Sex workers have the right to work, to free choice of employment and to just and favourable conditions of work and protection from unemployment and in respect of this right:
The lack of acknowledgement of sex work as labour or a profession has adverse consequences on the working conditions of sex workers and denies them access to protection provided by national and European labour legislation.

Sex workers should be able to determine, without interference or pressure from others, the nature and conditions of the sexual services provided by them.

Sex workers are entitled to safe and healthy workplaces; accurate and up to date information about health and safety should be available to sex workers whether they are employees or self employed. In addition, no sex worker should be required to consume alcohol or other drugs as a condition of employment.

All persons are entitled to be treated with respect within their workplace and to be free from sexual harassment; sex industry workplaces, like all other workplaces, should promote respect and freedom from abuse and harassment of sex workers.

Sex workers should be entitled to equitable employment and social security benefits, including sick leave and pay, pregnancy and parental leave and pay, holidays and the right to unemployment benefits if their employment is terminated or they decide to leave sex work.

Sex workers should not be discriminated against through the payment of inflated rates for rental or essential items, such as food or services, within the workplace on the grounds of it being a sex work venue.

No person should be barred from employment or dismissed from employment on the grounds of their having engaged in sex work.

Sex workers have the right to peaceful assembly and association, and in respect of this right:

Engagement in sex work should not be considered grounds for limiting sex workers’ ability to cooperate, unite and create associations to express their opinions, engage in collective bargaining and advocate for their rights.

Sex workers have the right to leave any country, including one’s own, and to return to one’s own country, and in respect of this right:

Engagement in sex work should not be considered grounds for limiting any person’s right to leave or return to their own country, and any return must be conducted with full regard for their safety and security on return.

Sex workers have the right to seek asylum and cannot be returned to situations of inhuman and degrading treatment or torture and in respect of this right:

Governments should take measures to ensure that participation in sex work does not create barriers to the right to seek asylum or non-refoulement.

Sex workers have the right to participate in the cultural and public life of society and in respect of this right:

Sex workers as with all other persons should have right to participate in the formulation of the laws and policies affecting their working and living environments.

-end-
SWAN Statement On the Occasion of the World AIDS Day

**December 1, 2006** -- Alma Ata, Barnaul, Bishkek, Belgrade, Bratislava, Bucharest, Budapest, Kiev, Prague, Riga, Saint Petersburg, Skopje, Sofia, Tirana, Vilnius, Warsaw

Today is December 1, the World AIDS Day.

On this day, we, representatives of 16 NGOs from 15 countries, would like to warn the governments in our region that the world is facing an unprecedented human catastrophe. A quarter of a century into the pandemic, AIDS has inflicted immense suffering on countries and communities throughout the world:

- Every day 14,000 new HIV infections occur, and 8000 people die of AIDS
- So far more than 25 million people have died of AIDS
- 40 million are currently living with HIV
- 15 million children have been orphaned by AIDS
- Half of all new HIV infections are among young people under the age of 25

So called “marginalized groups” are more threatened by the HIV pandemic than the general population. Among them are sex workers.

In many countries in our region prostitution is illegal. Sex workers have no access to education about HIV infection and effective prevention. They have no access to HIV testing, free condoms, medical treatment or psychological counseling.

Their human rights are routinely violated. They are beaten, raped, blackmailed, kidnapped, sold and bought by human traffickers.

They are often beaten and raped by the police. Condoms found on them are used as evidence against them.

That violates basic human rights of sex workers and makes them more likely to get infected by HIV and other sexually transmitted infections.

We would like to remind the government in our region of the United Nations General Assembly Resolution on HIV/AIDS adopted in June this year, which states that “to mount a comprehensive response, we must overcome all legal, regulatory, trade and other barriers that block access to prevention, treatment, care and support.”

For the HIV pandemic to recede, we call on our governments to do the following:

- Decriminalize sex work where criminalization exists
- Make the most elementary means of prevention, male and female condoms, permanently available
- Ensure that sex workers have equitable access to comprehensive medical care, social services, free HIV testing and antiretroviral treatment
- End imprisonment, disenfranchisement, and human rights violations of sex workers
- Recognize that sex workers rights and reproductive and sexual rights are human rights. Human rights strategies should be at the core of HIV/AIDS responses
- Recognize that sex workers are not the problem but part of the solution. There is no solution to the HIV pandemic without their involvement.
governments should include sex workers in development of comprehensive programs to address the further spread of HIV

- Provide sex education to young people, as recommended by the WHO, which will provide them with the skills, knowledge and means to prevent HIV infection. Access to education on sexually transmitted infections and on prevention against them is a human right of young people.

As a network of 16 service-providing civil society organizations from 15 countries in Central and Eastern Europe and Central Asia, we have experience in developing policies and providing services for sex workers and HIV infected persons. We can provide the necessary assistance to the governments in development of comprehensive programs to fulfill the above recommendations.

(end)

Notes for the editor:

Organizations, Members of Sex Workers’ Rights Advocacy Network- SWAN:

HESED, Bulgaria, www.hesed.bg
Bliss Without Risk, Czech Republic, http://www.rozkosbezrizika.cz/01.htm/100_ENGLISH.htm
MPEE, Hungary, www.prostitualtak.hu
Women's Rights Center, Kazakhstan, vsergunina@mail.ru
Tais Plus, Kyrgyzstan, gkurmanova@yandex.ru
Dia+Logos, Latvia, dialogs@diacentrs.lv
I Can Live, Lithuania, www.galiugyventi.lt
HOPS, Macedonia, www.hops.org.mk
Tada, Poland, www.tada.pl
ARAS-Romanian Association Against AIDS, Romania, www.arasnet.ro
Humanitarian Action, Russia, www.humanitarianaction.org
Siberian Initiative, Russia, http://www.sibin.ru
Odyseus, Slovakia, www.ozodyseus.sk
All Ukrainian Association on Harm Reduction, Ukraine, www.uhra.org.ua

For more information:
Media from one of the SWAN countries: please contact the local SWAN member organization.
Other international media: please contact HCLU, Budapest, tel. +36 1 209 00 46
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