

Common Human Rights Violations Experienced by Sex Workers

This document pairs common violations experienced by sex workers with relevant provisions of major human rights treaties. The violations included in this document were reported by European and Central Asian sex worker organizations and advocates, who are members of the Sex Workers' Rights Advocacy Network (SWAN).

Governments are bound by the treaties that they have ratified.¹ For each human rights treaty, there is an enforcement mechanism to ensure governments comply with their obligations. Enforcement generally takes place through two forms: individual complaints and periodic government reports. Mechanisms such as the Human Rights Committee and European Court of Human Rights function as a court and hear individual complaints. Mechanisms such as the Human Rights Committee; Committee on Economic, Social, and Cultural Rights;

and the European Committee of Social Rights require governments to submit periodic reports on their progress in implementing a treaty. In addition to the official government report, these bodies also accept reports from NGOs to help assess a state's compliance. They then issue recommendations to the state on needed actions.²

The chart below lists international and European human rights treaties and their corresponding enforcement mechanisms.

Treaty	Enforcement Mechanism
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee (HRC)
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Committee on Economic, Social, and Cultural Rights (CESCR)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Committee on the Elimination of Discrimination against Women (CEDAW Committee)
[European] Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)	European Court of Human Rights (ECtHR)
European Social Charter (ESC)	European Committee of Social Rights (ECSR)

1. You can check which treaties have been ratified by your country at: <http://www1.umn.edu/humanrts/research>.

2. For further information, please see Open Society Foundations, *Health and Human Rights: A Resource Guide* at <http://equalpartners.info>.

The following charts highlight common abuses experienced by sex workers and explain which specific rights under which treaties have been violated. Please note that a violation of a particular right depends on the circumstances and is a matter of interpretation based on the facts of the particular case. For each case, some rights may be violated while others are not.

Human rights law is an evolving field, and many human rights violations are not directly addressed by existing legal precedents. Through ongoing documentation and advocacy, advocates can build a stronger body of jurisprudence to protect the rights of sex workers.

ABUSE WITHIN HEALTH CARE		
Violations	Rights	Instruments
Coerced abortion; Mandatory HIV testing	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Security of Person	ICCPR, Article 9; ECHR, Article 5
	Right to Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	ICCPR, Article 7; ECHR, Article 3
	Right to Privacy	ICCPR, Article 17; ECHR, Article 8
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
No counseling for HIV tests	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Information	ICCPR, Article 19; ECHR, Article 10
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
Disclosure of health status without consent	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Privacy	ICCPR, Article 17; ECHR, Article 8
	Right to Security of Person	ICCPR, Article 9; ECHR, Article 5
Denial of treatment; no treatment of STDs (sexually transmitted diseases)	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
Forced treatment and detention within rehabilitation centers	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Liberty and Security of Person	ICCPR, Article 9; ECHR, Article 5
	Right to Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	ICCPR, Article 7; ECHR, Article 3
	Right to Privacy	ICCPR, Article 17; ECHR, Article 8
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11

POLICE ABUSE		
Violations	Rights	Instruments
Physical violence and threats of violence	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Security of Person	ICCPR, Article 9; ECHR, Art. 5
	Right to Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	ICCPR, Article 7; ECHR, Art. 3
	Right to Privacy	ICCPR, Article 17; ECHR, Article 8
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
	Right to Life	ICCPR, Article 6; ECHR, Article 2
Sexual violence, including coerced sexual services	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Security of Person	ICCPR, Article 9; ECHR, Art. 5
	Right to Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	ICCPR, Article 7; ECHR, Art. 3
	Right to Privacy	ICCPR, Article 17; ECHR, Article 8
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
	Right to Freedom from Slavery and Forced Labor	ICCPR, Article 8; CEDAW, Article 6; ECHR, Article 4
Arbitrary arrest and detention	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Liberty and Security of Person	ICCPR, Article 9; ECHR, Art. 5
	Right to Freedom from Torture and Cruel, Inhuman, and Degrading Treatment	ICCPR, Article 7; ECHR, Article 3
	Right to a Fair Trial	ECHR, Article 6
Failure to investigate complaints of violence, coercion, confinement, or extortion	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Liberty and Security of Person	ICCPR, Article 9; ECHR, Art. 5
	Right to Freedom from Unlawful Interference	ICCPR, Article 17
Planting evidence	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Liberty and Security of Person	ICCPR, Article 9; ECHR, Art. 5
Taking away identity documents	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Freedom from Unlawful Interference	ICCPR, Article 17
	Right to Freedom of Movement	ICCPR, Article 12; ECHR Protocol 4, Article 2
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11

POLICE ABUSE <i>(continued)</i>		
Violations	Rights	Instruments
Extortion	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Freedom from Unlawful Interference	ICCPR, Article 17
Threats to take away children	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Freedom from Unlawful Interference with Privacy and Family Life	ICCPR, Article 17; ECHR, Article 8
	Right to Family	ICCPR, Article 23; CEDAW, Article 16

DENIAL OF ACCESS TO SOCIAL BENEFITS		
Violations	Rights	Instruments
Denial of health care	Right to Equality and Non-discrimination	ICESCR, Article 3
	Right to Life	ICCPR, Article 6; ECHR, Article 2
	Right to the Highest Attainable Standard of Health	ICESCR, Article 12; CEDAW, Article 12; ESC, Article 11
Denial of education to children of sex workers	Right to Equality and Non-discrimination	ICESCR, Article 3
	Right to Education	ICESCR, Article 13; CEDAW, Article 10
Denial of social welfare services	Right to Equality and Non-discrimination	ICESCR, Article 3
	Right to an Adequate Standard of Living	ICESCR, Article 11
	Right to Family Benefits	CEDAW, Article 13
	Right to Social and Medical Assistance	ESC, Article 13
	Right to Benefit from Social Welfare Services	ESC, Article 14
Restrictions on ability to organize	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Right to Freedom of Association	ICCPR, Article 22; ECHR, Article 11
Restrictions on ability to communicate	Right to Equality and Non-discrimination	ICCPR, Articles 3 and 26; ECHR, Article 14
	Freedom of Expression	ICCPR, Article 19; ECHR, Article 10

Open Society Public Health Program

The Open Society Public Health Program aims to build societies committed to inclusion, human rights, and justice, in which health-related laws, policies, and practices reflect these values and are based on evidence. The program works to advance the health and human rights of marginalized people by building the capacity of civil society leaders and organizations, and by advocating for greater accountability and transparency in health policy and practice.

For more information, see: www.soros.org/health.