

BIGMUN 2025

GA6: Legal

Research Report

Topic 3: Restructuring the legal system on sex work and sex-related crimes



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Introduction

When considering sex work and sex-related crimes, legal systems globally have not been up to par. Sex work, as a career choice, is highly susceptible to stigmatisation and exploitation. In effect, legal systems are not constructed to account for victims, often from vulnerable groups this industry generates. This results in the prevalence of sex-related crimes that often go unreported and unprosecuted. Beyond this, exploitative sex-related crimes, such a sexual harassment, go unreported three out of four times, with convictions of rape being at less than one percent. The United Nations (UN) maintains the position that the human rights of sex workers and vulnerable populations must be established in order to move towards institutions that take into account the nature of the crimes perpetrated against this demographic.

Therefore, this research report will first elaborate on the situation, thereafter providing examples of passed resolutions aimed to address this topic.

Definition of Key Terms

Legal system: The framework of procedures, rules and institutions a community uses in order to interpret and enforce laws. A legal system is binding on all legal disputes within its jurisdiction.¹

¹ (“legal systems | Wex | US Law | LII / Legal Information Institute”)

Sex work: An exchange of sexual services, products or performances for material compensation. Direct physical contact between parties is not required for a service to be considered sex work. Significantly, this transaction must be consensual for it to be considered sex work.

Sex-related crimes: Any crimes with sexual components or of that nature. This includes direct physical crimes like sexual assault or rape, however also encompasses mental harm done to a victim (for example, the distribution of nonconsensual pornography).

Criminalisation (of sex work): Sex work remains illegal, often continued underground with increasing risks for workers.

Decriminalisation (of sex work): this approach treats sex work as a private matter, focusing law enforcement on abuse and trafficking.

Legalisation and Regulation of Sex Work: Found in countries like Germany and the Netherlands, sex work is regulated like other industries, with health checks, taxes, and zoning laws.

Nordic Model (as an approach to sex work) : Criminalizes clients but not workers, aiming to reduce demand while protecting workers from prosecution. This policy is implemented in Denmark and Finland.

Background Information

Sex work has been a contentious or wholly unacknowledged issue in legal and social frameworks. Laws governing sex work and sex-related crimes include prevention of trafficking and exploitation varying significantly across States, reflecting different cultural, moral, and pragmatic perspectives.

Implementing laws adequately criminalising sex related crimes improves of sex workers by providing access to legal protections, as well as allowing education. Furthermore, informing sex workers about the health risks associated with their profession works to reduce the spread of sexually transmitted infections (STIs)². By distinguishing consensual sex work from trafficking and coercion, reforms can focus law enforcement resources on combating exploitation.

² Who.https://apps.who.int/iris/bitstream/handle/10665/77744/WHO_HIV_2012.19_eng.pdf. WHO

However, even where reforms are applied, corruption, discrimination, and inconsistent enforcement undermine their effectiveness. Decriminalisation of sex-related crimes goes strongly against many nations' fundamental frameworks, as is the case in some conservative states.

Sex work has been facing social stigma since the 19th century bringing to attention that focusing solely on regulation is not effective when attempting to eradicate these stigmas. Despite legal frameworks and governmental inspection, there still remains the issue of trafficking, which is often entwined with the sex work field.

The United Nations and other international organizations advocate for human rights-based approaches to sex work and related activities. They strongly emphasize the importance of distinguishing between voluntary sex work and sex trafficking, urging countries to adopt frameworks and policies that prioritize the well-being of individuals over their occupation³.

Major Countries and Organizations Involved

Joint United Nations Programme on HIV/AIDS (UNAIDS) - The actions of this UN organisation include advocating to end the criminalisation of all aspects of sex work encompassing the sale, purchase and management of sex work.

New Zealand - Their legal framework supports the decriminalisation of sex work, in effect creating societal norms allowing for a higher prevention of sex-related crimes. This approach recognises sex work as a legitimate profession with attention being brought to labour rights and worker safety.

India - India's legal framework enacts the partial criminalisation of sex work, where sex work itself is not illegal but related activities such as brothels and solicitation are. This leads to high rates of sex-related crimes such as exploitation and trafficking, establishing the need for a reform to the current legal framework.

End Violence Against Women International (EVAWI)⁴ - An international agency working to improve law enforcement and judicial responses to sex-related crimes, with specific focus on violence towards women.

International Labour Organization (ILO) - A prominent organisation recognising sex work as legitimate labour, as well as advocating for worker's rights and safety.

³ "UN Rapporteur Should Listen To, Not Disparage, Sex Workers." [Outright International](#)

⁴ Note this agency would be useful to refer to when suggesting possible solutions in regard to this topic.

Relevant UN Resolutions

[S/RES/2467](#) - 2019

This resolution, passed by the Security Council, urges member states to strengthen justice access for victims of sexual violence, including in vulnerable areas such as conflict and post-conflict situations. This emphasises the need for a ‘survivor-centered’ approach in responding and preventing sexual violence, especially in regards to women and children.

[S/RES/2106](#) - 2013

This resolution, passed by the Security Council, reflects the UN’s broader commitment to addressing sexual violence and sex-related crimes as a critical issue of human rights and criminal justice. This resolution therefore emphasises the necessity of healthy legal frameworks, protecting individuals from sex-related crimes and ensuring the accountability of perpetrators, providing justice and support to victims and survivors.

Previous Attempts to Solve the Issue

[A/HRC/WG.11/39/1](#) - 2023

This Human Rights Council working group report is titled ‘Eliminating Discrimination against Sex Workers and Securing Their Human Rights. This report advocates for the decriminalisation of consensual adult sex work. Emphasis is placed on the need to protect sex workers from discrimination, violence, as well as health risks. Furthermore, it highlights the significance of reforms in legal frameworks in order to ensure sex workers access to sufficient healthcare and justice systems. This report, importantly, outlines the issue clearly, as well as establishes measures applicable to all member States, in order to set up a legal framework working towards fair treatment of sex-workers and appropriate prosecution of sex-related crimes.

Possible Solutions

The Decriminalisation of Consensual Sex Work

The decriminalisation of consensual adult sex work is crucial when considering reconstructing legal frameworks. In doing so, societal norms viewing sex-work with stigma inevitably lessen. In effect, more resources will be put towards successfully prosecuting sex-related crimes⁵.

⁵ “Why Sex Work Should Be Decriminalized.” [Human Rights Watch](#)

Additionally, this decriminalisation will improve safety of sex-workers and provide improved access to healthcare and legal protections.

Legislation and Appropriate Regulation

By implementing legal frameworks regulating sex work without licencing, labour protections and health checks, worker safety is improved. Furthermore, regulating this industry also includes providing support systems, establishing counselling and shelters for victims and survivors of sex-related crimes.

Enhancing Law Enforcement and Training

This includes training police officers and judiciary to handle situations of sex-related crimes appropriately, with sensitivity, thereby focusing on distinguishing between exploitation and consensual work. Furthermore, prioritising resources proves effective in combating child exploitation, trafficking and violence against workers.

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