

# While Belgium passes groundbreaking legislation for sex workers, Europe remains divided on the issue

As Belgium has adopted pioneering legislation that, for the first time, brings sex workers within the scope of occupational health and safety protections, Europe remains divided over which model to follow. What protections does this legislation introduce, and what role do unions play in the fight for sex workers' rights?

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As streets emptied and the world slowed, March 2020 saw lockdowns and a global retreat into homes as the world sheltered from the coronavirus. In Belgium, while most people who had to stop working were eligible for income support, sex workers were excluded because, officially, their sector didn't exist.

Daan Bauwens, Director of UTSOPI, the Belgian Union of Sex Workers, told me: 'From one day to the next, an enormous number of sex workers were left without any income and without the possibility to replace it with support from the state.'

Facing the threat of poverty, Belgium's sex workers took action that would ultimately rewrite the country's laws on sex work.

## Organising for recognition

'Since 1948, Belgium adhered to an abolitionist stance on sex work,' Bauwens explained. While sex work itself wasn't illegal, the framework criminalised everything around the work. 'The law, while intended to protect sex workers, actually made them more vulnerable,' he said.

By organising a crowdfunding campaign for income support, running a food bank from a closed brothel and holding demonstrations and campaigns, sex workers, UTSOPI and allied organisations succeeded in forcing a public conversation to take place about the situation of sex workers.

Two laws passed in 2022 and 2024 have since established a legal framework for sex work that expands access to protections for sex workers.<sup>1</sup> This has been achieved through the establishment, in the 2024 law, of a specific arrangement called an 'employment contract for sex workers'. This law sets out a strict legal framework within which employers may employ sex workers, including clearly defined protections against human trafficking and potential abuses. The two laws outline specific rights, such as the right to refuse clients and to stop services at any time, and obligatory safety measures, including the installation of emergency buttons and the requirement for a reference person to be available in emergencies.

Belgium is not the first country to decriminalise sex work and introduce protections and rights for sex workers. In 2003, New Zealand adopted the Prostitution Reform Act, which decriminalised the sector and put in place protections for the health, safety and wellbeing of sex workers. Twenty years on, studies<sup>2</sup> show notable improvements in terms of OHS, although stigma and the vulnerability of migrants remain key challenges.

Yet, while Belgium moves to legalise and regulate sex work, the rest of Europe remains deeply split.

## Europe's fragmented stances on sex work

Europe's laws on sex work range from total criminalisation to legalisation and regulation. One prominent model is known as the 'Nordic model'. Originating in Sweden in 1999, it aims to eliminate sex work by criminalising the buyers of sexual services. Under this model, buying sex or facilitating sex work is criminalised while selling sex itself is not. It also calls for programmes to help people leave the sex industry, such as support in finding alternative employment.

While there is no EU-level regulation for sex work, a European Parliament resolution was passed in 2023 calling for the

1. From Legal Grey Area to Legal Recognition: Recent Legislative Reforms Regarding Sex Work Under Employment Contracts in Belgium  
2. (PDF) The Health and Wellbeing of Sex Workers in Decriminalised Contexts



↗ The recognition of sex work raises questions about effective access to workplace health, safety and rights.

Photo: © Salomé Lauwerijs, Agathe Declaire

punishment of sex buyers, echoing the Nordic model. A coalition of human rights organisations, sex worker rights organizations and an editorial in *The Lancet* urged MEPs to reject the resolution, arguing that its recommendations would harm sex workers. Text proposing the adoption of the Nordic model across the EU was removed from the final draft.

This stance stands apart from the positions of the Council of Europe's Commissioner for

Human Rights and the United Nations Working Group on Discrimination against Women and Girls, both of whom have called for decriminalisation, identifying it as an essential step to secure human rights for sex workers.

### Health and safety risks under criminalisation

Research<sup>3</sup> shows that criminalisation leads to worse health outcomes for sex workers. Studies find higher rates of violence, reduced access to medical care and poorer mental health under criminalisation. Mental illness is the most common health issue reported by sex workers and is often associated with broader societal stigmatisation.

Human rights and sex worker rights organisations say that the Nordic model harms sex workers by blocking access to services and by driving them underground into dangerous situations.

A member of Red Umbrella Sweden (RUS), a Swedish organisation led by sex workers that advocates for sex workers' rights, told me that the Nordic model blocks sex workers from accessing basic rights such as housing and healthcare. 'One of the greatest risks is homelessness. If our landlord knows that we're doing sex work at home, they have the legal obligation to throw us out.'

Many sex workers in Sweden avoid telling their doctors about their work, reducing access to essential care. 'I personally have not been open to the healthcare system about my

3. Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies - PubMed

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4. [https://assets.nationbuilder.com/eswa/pages/256/attachments/original/1665409755/SW\\_\\_\\_Racism\\_2.pdf?1665409755](https://assets.nationbuilder.com/eswa/pages/256/attachments/original/1665409755/SW___Racism_2.pdf?1665409755)

work,’ the RUS member told me. This also blocks specialised services, including wider access to condoms and accessible and affordable testing for sexually transmitted diseases.

Under the Nordic model, sex buyers frequently rush transactions and pressure sex workers into more isolated places or their homes, putting them at further risk of violence or harassment.

The rights and protections introduced by Belgium’s new legal framework aim to prevent these risks. Employers must install alarm buttons, and a reference person must always be available to ensure the safety of the sex worker. Sex workers also have the right to refuse any client or sexual act and to stop performing a sexual act whenever they choose. Employers are subject to robust background checks and registration requirements, and they are obliged to ensure that unions and supporting organisations have access to the workplace at all times.

Under criminalisation, securing these protections for sex workers becomes impossible and sex workers experience more OSH risks.

For example, police violence and harassment of sex workers are widespread. A report by the European Sex Workers’ Rights Alliance (ESWA) found that nearly 77% of the sex workers interviewed had experienced some form of police violence, with the highest rates occurring under the Nordic model. More than a quarter of all respondents reported sexual violence perpetrated by police officers.

Policing under sex buyer criminalisation is often racialised and punitive. Undocumented migrant sex workers are especially at risk, as fear of deportation discourages them from contacting the police even in violent or dangerous situations.

In one interview, a migrant sex worker told researchers that, in Sweden, ‘you cannot call the police if you are in trouble, if someone is violent, robbing you or something’, because of the risk of deportation.

## Labour unions and sex workers’ rights

While legal frameworks largely determine sex workers’ access to health and safety protections, their relationship with trade unions is also crucial – and oscillates between support and exclusion.

Dr. Katie Cruz, associate professor at Bristol Law School and lead author of an ETUI working paper on sex workers and unionisation, says that Europe’s labour unions have an ambivalent relationship towards sex

workers: ‘It’s very hit or miss whether or not unions will support even just the decriminalisation of sex work, let alone a worker-based approach.’ As a result, sex workers are often forced to organise independently and outside conventional trade union structures.

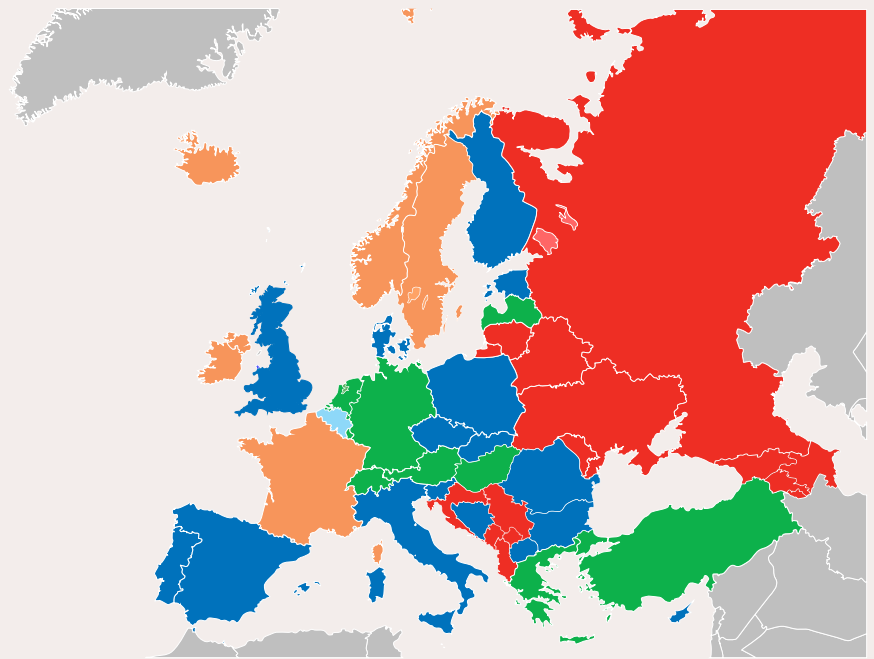
Dr. Cruz advocates for a labour-based approach towards sex work, situating it within systems of ‘economic compulsion, patriarchy, racism and repressive legal frameworks’. This perspective aligns with intersectional analyses<sup>4</sup> that highlight how sex workers are disproportionately drawn from gender, sexual and racialised minorities. However, union engagement is often constrained by societal stigma and restrictive laws, which can result in sex workers being excluded from unions and subjected to appalling working conditions.

Before Belgium’s new laws were introduced, conditions were often dire: ‘What you had was sex work being carried out in dilapidated houses. I’ve seen women seven months pregnant and still working because they were not entitled to pregnancy leave,’ says Bauwens, the Director of UTSOPI.

He adds that criminalisation made decent working conditions impossible: ‘You cannot have minimal labour protection in a

## Prostitution in Europe

● Abolitionism – Prostitution legal and unregulated, excluding organized activities such as brothels and pimping. ● Neo-abolitionism – Illegal to buy sex and for 3rd party involvement, legal to sell sex ● Decriminalization – No criminal penalties for prostitution ● Legalization – Prostitution legal and regulated ● Prohibitionism – Prostitution illegal ● Legality varies with local laws



Source [https://en.wikipedia.org/wiki/Prostitution\\_in\\_Europe#/media/File:Prostitution\\_in\\_Europe.svg](https://en.wikipedia.org/wiki/Prostitution_in_Europe#/media/File:Prostitution_in_Europe.svg)

↳ Demonstration in Brussels by UTSOPI, one of the Belgian organisations representing sex workers. Photo: © Wouter van de Klippe



sector which is not recognised by the state, because the existence itself of the sector is against the law.’ Despite this, he notes that, in Belgium, unions played an essential role in the process of drafting the new laws and supporting sex worker organisations throughout the process.

In contrast, the situation in Sweden remains harsh for sex workers, who are frequently excluded by unions, partly due to criminalisation. ‘Given that sex workers are essentially banned from labour organising, no union wants to touch us, and we can’t defend our labour rights,’ said the member of

RUS. They described significant harassment within the Swedish trade union movement, both because they are a sex worker and because they are trans: ‘It started with people scoffing at me, giving me weird looks and making grimaces. It developed into people trying to exclude me and those supporting me within the union.’

Increasingly, the struggle for sex workers’ rights takes place on digital platforms, where exploitation includes exorbitant fees, stalking and theft of content. In 2025, Sweden passed new legislation making it illegal to buy personalised digital sex content,

which is often the highest income source for digital sex workers.

Without the right to organise, it’s difficult to see how sex workers will secure rights in this digital environment. Nevertheless, for the RUS member, solidarity within Red Umbrella Sweden is essential: ‘What I really get out of Red Umbrella is community. It’s about breaking the isolation, because there is such a strong, forced isolation imposed on sex workers, not just from other sex workers but from society at large.’ ●

### Occupational health and safety (OHS) for sex workers in Belgium before and after the 2024 law and the UTSOPI programme

OHS area	Under third-party criminalisation	Under third-party decriminalisation + 2024 labour law
Legal status	A policy of tolerance while essential services made illegal through third-party criminalisation.	A new framework allows legal employment for sex workers. Decriminalisation of third-party services expands access to essential services.
Right to refuse	Not a guaranteed right and impossible to regulate under criminalisation.	Sex workers have the right to refuse any sexual act or client.
Physical safety	Informality prevented ensuring decent safety conditions for sex workers.	Employers are required to install emergency alarms (panic buttons), a reference person must always be available to ensure sex workers’ safety, and unions and supporting organisations must have access to working locations.
Employer accreditation	Not possible, as being an employer was illegal.	A rigorous accreditation process is required, including background checks on criminal records.
Social rights	No formal access to social rights such as maternity leave, unemployment protections or welfare support.	Formal access is given to welfare support, and maternity leave is granted for employed sex workers.
Access to third-party services	Access was restricted under the broad definition of pimping. Housing, banking and accounting services were limited for sex workers.	Access is now granted, with special protections to ensure that third parties do not pressure for exuberant profits or sexual services in exchange.