



JAS Programme

Joint Advocacy for Sexual Reproductive
Health and Rights in Uganda

**NATIONAL CASE STUDY ON HOW SEX WORK LAWS ARE
IMPLEMENTED ON THE GROUND AND THEIR IMPACT ON SEX
WORKERS**



2024 REPORT



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Acronyms

AHA	Anti-Homosexuality Act, 2023
AMLA	Anti-Money Laundering Act, 2013
ASWA	African Sex Workers Alliance
HIV Laws	HIV and AIDS Prevention and Control Act
IPPF	International Planned Parenthood Federation
NGO	Non-Governmental Organisations
PCA	Penal Code Act, Cap. 120
RHU	Reproductive Health
UNESO	Uganda Network of Sex Worker-Led Organizations.

Glossary

Brothel	A place specifically designated for people to engage in sexual activities in exchange for money and can be a lodge, an apartment or a hotel designated for such purpose or commonly utilised for such purpose.
Consent	In the context of sex work, consent refers to the agreement between adults to engage in sexual activities, which is fundamental to distinguishing between voluntary sex work and exploitation or trafficking.
Decriminalisation of Sex Work	The process of removing criminal penalties associated with the sale and purchase of sexual services.
Escort	A type of sex worker who provides companionship and sexual services to clients, typically in a more private and often pre-arranged setting. Escorts may work independently or through an agency, offering their services to clients for a fee.
Health Rights Advocates	Individuals or organisations that promote the right to health for all, including sex workers. They advocate for equitable access to healthcare services, the right to health as a fundamental human right, and the importance of addressing the specific health needs of marginalised populations like sex workers
Human Rights-Based Approach	A framework that emphasises the inherent human rights of sex workers, including the right to work, to health, to be free from discrimination and violence, and to privacy
Idle and Disorderly Persons	A legal category under which individuals, including sex workers, can be criminalised for their presence in public spaces.
Key Populations	Groups that are at increased risk of HIV infection due to specific higher-risk behaviours. In the context of HIV/AIDS, key populations often include sex workers, men who have sex with men, transgender people, people who inject drugs, and prisoners.
Organisations Working Towards HIV/AIDS Prevention	Entities dedicated to reducing the spread of HIV/AIDS through various means, including education, providing access to preventive measures like condoms, HIV testing and counselling services, and treatment for those living with HIV. These organisations often focus on high-risk groups, including sex workers, to mitigate the impact of the epidemic.

Policy Makers	Individuals or groups involved in the creation of policies that can significantly influence various aspects of society, including public health, human rights, and the legal status of sex work. In the context of sex work, policymakers play a crucial role in shaping laws and regulations that can either protect or harm the rights and well-being of sex workers.
Prostitution	Often used interchangeably with sex work, this term specifically refers to the exchange of sexual services for compensation. It carries historical and legal connotations that may be considered pejorative or stigmatising.
Unnatural Offences	Legal provisions that criminalise certain sexual acts especially those that involve same sex relations.
Sex Work	The provision of sexual services in exchange for money or other forms of compensation. This term is inclusive of various forms of erotic and sexual services, such as prostitution, escort services, pornography, and other adult entertainment activities
Sex Work Advocates	Individuals or organisations dedicated to supporting the rights and well-being of sex workers. They strive to create a safe, stigma-free, and legal environment for sex workers, engaging in policy reform, public education, and the provision of services ranging from legal assistance to healthcare. They also challenge the social, economic, and legal issues that marginalize sex workers, advocating for the recognition of sex work as legitimate labour deserving of the same protections and rights as other professions
Sex Worker	A sex worker is an individual who engages in consensual sexual services in exchange for compensation, which may include money, goods, or other material benefits. This profession encompasses a broad spectrum of activities, including but not limited to prostitution, escorting, erotic massage, and adult entertainment.
Prostitution	
Street-Based Sex Workers	Sex workers who typically operate in public places such as streets, roadside and alleys. They might be more vulnerable to certain risks, including violence and police harassment, compared to those working in more controlled environments like brothels or through escort services

Stigma

The negative association and discrimination directed towards individuals or groups based on certain characteristics or behaviours that are deemed undesirable by society.

EXECUTIVE SUMMARY

1 Introduction

Commissioned by UNESO, this report emerges from a preliminary study aimed at providing a pragmatic assessment of Uganda's legislative framework concerning sex work, especially considering its recent evolutions. The objective of this research is to bridge theoretical legal discourse with the tangible realities faced by sex workers, thereby informing a more effective and grounded policy dialogue in Uganda. This study stands at the intersection of applied research and policy advocacy, striving to translate empirical insights into actionable policy recommendations.

With a commitment to applied inquiry, this research underscores the direct utility of its findings for policymakers, practitioners, and stakeholders invested in the welfare and rights of sex workers. Responding to UNESO's call, our multidisciplinary team has combined empirical data with policy analysis to unpack the nuances of Uganda's legal environment and its implications on the ground.

Our methodological approach is designed to capture the lived experiences of a diverse group of individuals directly affected by or engaged in the governance of sex work. Through qualitative methods, such as in-depth interviews and questionnaires with sex workers, sex work advocates, health rights advocates, policymakers, law enforcement among others we have sought to construct a comprehensive picture of the legislative landscape and its real-world impacts.

As this report unfolds, presenting initial findings from our exploratory study, it sets the groundwork for more in-depth future investigations. It is our intention that these preliminary insights will not only shed light on the current state of affairs but also catalyse further research and policy action. This study is envisioned as a foundational piece, sparking a continuum of research that delves deeper into the complexities of sex work legislation in Uganda and its myriad social implications.

In undertaking this study endeavour, we aim to contribute to a policy ecosystem that is both informed and adaptive, ensuring that legislative frameworks are crafted with a deep understanding of their practical impacts. We envisage this report as a critical resource for UNESO and other key stakeholders, paving the way for future studies that will explore this topic with greater detail and specificity, ultimately fostering a legislative environment that upholds the dignity and rights of sex workers in Uganda.

2 Background

While Uganda's approach to regulating sex work is anchored in the Penal Code Act, which explicitly criminalises activities associated with sex work, including “*prostitution*” and “*aiding and abetting prostitution*”. The legal ramifications for sex workers, however, extend beyond these direct prohibitions, influenced by a series of legislative Acts introduced over recent years. Key among these are the Anti-Pornography Act 2014, the NGO Act 2016, the HIV/AIDS Prevention and Control Act 2014, and the newly introduced Anti-Homosexuality Act 2023. The legislative landscape is further complicated by the Sexual Offences Bill, which seeks to maintain the existing prohibitions on prostitution as outlined in the Penal Code.

The introduction of these laws has significantly shaped the operational environment for sex workers, affecting their rights and interactions with the legal system. This study delves into the layered legal context, aiming to dissect the broader implications of these legislative measures on the human rights and societal standing of sex workers. The focus is on understanding how the enforcement of these laws intersects with the rights to personal security, health, and freedom from discrimination among individuals engaged in sex work.

Given the multifaceted nature of this regulatory framework, the analysis endeavours to map out the interplay between these various laws and their cumulative impact on the sex work community. This involves examining the direct effects of criminalisation, as well as the more subtle influences of related legal measures that, while not explicitly targeting sex work, have significant repercussions for the rights and well-being of sex workers.

By providing a detailed examination of Uganda's legislative environment as it pertains to sex work, this background sets the foundation for a nuanced exploration of the challenges and opportunities inherent in the current legal regime. The aim is to contribute to a dialogue that moves beyond criminalisation towards a more holistic understanding of sex work within the legal and social fabric of Uganda.

3 Methodology

3.1 Study design

The study employs a qualitative research design, purposefully selected to delve into the complex dynamics at play within Uganda's sex work community under the current legal and policy frameworks. This design is instrumental in capturing the nuanced perspectives and lived experiences of those directly impacted by the legislative environment governing sex work.

Central to this approach is a series of comprehensive engagements with a broad spectrum of stakeholders, including sex workers, legal practitioners, policy makers, and representatives from civil society organisations either as sex worker advocates, health rights advocates or organisations working towards HIV/AIDS prevention. These engagements are structured to facilitate in-depth discussions and narratives that illuminate the day-to-day realities and challenges faced by sex workers within the legal confines of Uganda's current regulatory regime.

Complementing these stakeholder engagements is an exhaustive review of existing literature, encompassing academic studies, legal analyses, policy documents, and reports from human rights organisations. This literature review aims to contextualise the primary data collected through engagements, situating the findings within the broader body of knowledge on sex work regulation and human rights.

By integrating stakeholder insights with existing research, the study design is structured to provide a holistic understanding of the systemic interactions and individual experiences within the sex work community in Uganda. This qualitative approach allows for a rich, contextual exploration of the impact of legal and policy frameworks, shedding light on the multifaceted dimensions of sex work in the Ugandan context.

3.2 Study scope

This study is specifically tailored to scrutinise the application and enforcement of laws relevant to the sex work sector in Uganda, as interpreted and implemented by a variety of stakeholders within this domain. The scope of this investigation encompasses a critical review of the legislative framework, with a particular emphasis on understanding the practical implications of these laws on the ground.

Key areas of focus include the examination of the Penal Code Act, the Anti-Pornography Act 2014, the NGO Act 2016, the HIV/AIDS Prevention and Control Act 2014, and the Anti-Homosexuality Act 2023, along with the proposed Sexual Offences Bill. The study aims to uncover how these legal instruments are operationalised by law enforcement agencies, the judiciary, civil society, and other actors involved in the regulation and support of sex workers.

3.3 Data Collection

The data collection for this study was meticulously planned to capture a broad and nuanced understanding of the impact of legal frameworks on sex workers in Uganda. This was

achieved through a combination of field engagements and targeted data collection instruments, tailored to the diverse roles and perspectives within the sex work business ecosystem.

a) Questionnaires

A key instrument in our data collection was a structured questionnaire, carefully designed to address the specific information needs related to each category of respondent. The questionnaire aimed to gather quantitative and qualitative data on the experiences, perceptions, and challenges faced by individuals within the sex work environment, with a focus on the legal and policy aspects. Respondents were segmented based on their roles and involvement in the sex work sector ensuring a comprehensive collection of viewpoints.

b) Interviews

In addition to the questionnaires, the study employed both telephone and in-person interviews as vital components of our data collection strategy. These interviews were particularly focused on sex workers and other key participants who either required further clarification beyond the questionnaire responses or who proactively offered to provide more detailed insights into their experiences. The interviews allowed for a deeper exploration of personal narratives and complex issues that questionnaires alone could not fully capture, facilitating a richer, more personal engagement with the study subjects.

The participant selection and sample size for this preliminary study were carefully considered to align with the study's exploratory objectives and qualitative research design. With a total of 146 participants, the study engaged a purposively selected cohort of individuals and representatives from organizations with a national reach and significant impact on the sex work landscape in Uganda. The participants included; sex workers, Policy makers, Health rights Advocates, organizations working towards HIV/AIDS prevention, Key populations, sex worker advocates and law enforcers.

3.4 Analysis technique

The qualitative data collected during the study has undergone a comprehensive process of transcription, coding, and analysis, meticulously tailored to the study's objectives. The analytical approach employed, reflects on the integration of methodological considerations related to participant selection and sample size with the analytical processes undertaken.

The cornerstone of our data analysis was thematic coding, which involved systematically organising the data into coherent themes and sub-themes. This method allowed for the identification of converging patterns and insights across the dataset, rooted in the rich and nuanced contributions from our purposively selected group of participants. Their diverse perspectives provided a solid foundation for the thematic exploration, ensuring the analysis was both deep and encompassing of the varied dimensions related to sex work regulation in Uganda.

The strategic selection of participants, as previously justified, proved instrumental in enriching

the thematic analysis. Engaging with a broad spectrum of stakeholders, including those representing organisations with a national scope, ensured that the themes distilled from the data were reflective of a comprehensive range of experiences, viewpoints, and the broader national context.

To ensure the reliability and validity of the findings, the study included a verification step, where necessary follow-ups and clarifications were sought from interview participants. This was crucial for affirming the accuracy of the data and the fidelity of the thematic codes to the respondents' intended meanings and experiences.

In presenting the findings, the study made extensive use of direct quotations from respondents, providing an authentic representation of their perspectives, attitudes, and experiences regarding the legal and policy frameworks governing sex work. This approach highlighted the value of the qualitative data collected, allowing the voices and narratives of the participants to directly inform and enrich the thematic analysis.

The depth and authenticity of these quotations were significantly enhanced by the diversity and relevance of the participant pool. The careful consideration given to participant selection ensured that the direct quotations and resulting themes were genuinely representative of the broader dynamics within Uganda's sex work regulatory environment.

4 Study Limitations

The execution of this study encountered several significant challenges. These hurdles, primarily rooted in the complex legal, social, and logistical landscape of the research environment, posed constraints on the study's methodology and outcomes:

1. The illegal status of sex work in Uganda introduced apprehensions regarding anonymity among potential participants, particularly sex workers. While UNESO's prior introduction facilitated engagement within its network, reaching out to sex workers beyond this network was fraught with difficulties. The fear of legal repercussions or social stigma made many hesitant to share their experiences, impacting the diversity and breadth of perspectives captured in the study.
2. The sensitive nature of the subject matter posed challenges to data validity, with instances of underreporting or biased narratives, especially among law enforcement respondents. The apprehension surrounding discussions of sex work led to guarded or potentially skewed accounts, complicating the process of obtaining frank and comprehensive insights into the enforcement and impact of sex work-related laws.
3. Logistical hurdles in reaching out to and coordinating interviews with participants, compounded by the time-sensitive nature of the study, presented significant limitations. These practical challenges restricted the number of engagements possible within the study's timeframe, impacting the depth and variety of data collected.
4. Resource constraints notably influenced the scale of the study, particularly the scope of participant engagement. The aspiration to include a more extensive pool of participants was curtailed by budgetary and logistical limitations, affecting the study's capacity to gather and analyse data from a broader cross-section of the sex work community and related stakeholders.

These limitations, inherent in the study's context and resource framework, underscore the challenges of conducting research in sensitive and legally complex environments. They highlight the need for innovative approaches to participant engagement, data collection, and analysis in future studies, aiming to mitigate these hurdles and enhance the comprehensiveness and reliability of research findings in similar contexts.

SEX WORK AND THE LAW

This section provides a comprehensive examination of the body of knowledge on the concept of sex work, encompassing various perspectives to offer a well-rounded understanding of the topic within Uganda and the global context. The review begins by exploring the myriad definitions of sex work, reflecting the diverse views from academia, policy realms, and the experiences of sex workers themselves. These definitions range from strictly economic interpretations of sex work as a form of labour, to sociocultural perspectives that consider the complex interplay of power, agency, and societal norms. By weaving together these various strands, a convergence is drawn to form a holistic definition that captures the essence of sex work, acknowledging its multifaceted nature and the myriad experiences of those within the sex work community.

Building upon this foundational understanding, the review then delves into the legal frameworks that govern sex work in Uganda. It scrutinises the statutes, regulations, and policies that shape the legal landscape for sex workers, examining how these laws are framed, enforced, and experienced in practice. This analysis reveals the "implied definitions" of sex work embedded within legal texts, shedding light on the ways in which the law interprets and regulates sex work activities. The discussion highlights the impact of these legal frameworks on the rights and well-being of sex workers, pointing out areas of contention, compliance, and conflict between legal norms and the realities of sex work.

Transitioning from the legal frameworks, the review further explores the dynamics of the sex work ecosystem. It draws on a wide range of literature to map out the complex web of social, economic, and political factors that influence the sex work sector. This part of the review paints a vivid picture of the interactions between sex workers, clients, law enforcement, advocacy groups, and the broader society. It examines the challenges and opportunities within the sex work ecosystem, including issues of stigma, discrimination, health, and safety, as well as the resilience and solidarity among sex workers and their allies. Through this exploration, the review provides a nuanced understanding of the sex work ecosystem, highlighting the diverse experiences of individuals involved in sex work and the multifarious factors that shape their lives and work.

1 What is Sex Work

In conducting this study, a central challenge was the selection of precise terminology that encapsulates the wide array of experiences within the ambit of 'prostitution and sex work.' It is crucial at the outset to engage with the discourse surrounding the terms 'prostitute/prostitution' and 'sex worker/sex work.' The term 'prostitute' is often employed by individuals who contest the characterisation of sexual exchange for monetary or other benefits as 'work,' viewing it solely through the lens of exploitation and arguing that labelling it as 'work' serves to normalise it. This term, along with others like 'whore' and 'harlot,' has also been reclaimed by some who wish to repurpose historically derogatory terms.

Conversely, 'sex work,' a term attributed to Carol Leigh, was coined to acknowledge, and legitimise the labour of those engaged in the commercial sex industry. This term not only seeks to confer an identity on individuals in the industry, fostering unity and advocacy for rights and state protections but also broadens the scope to encompass activities beyond the mere physical exchange of sex for compensation, such as stripping, pornography, and webcamming.

The discourse is notably polarised, with 'prostitution' and 'sex work' often representing divergent ideological, political, and moral standpoints. Yet, framing the debate as a binary opposition oversimplifies the complexity of views and experiences within the community, as our research indicates a rich diversity of opinions and significant commonalities among individuals involved in sex work.

Particularly within the gay street scene, men who engage in sexual or intimate acts for compensation display a range of attitudes toward the 'sex work' identity, often preferring the term 'escorts' to avoid the broader 'sex worker' label. In this study, 'sex worker' specifically denotes adults who consensually participate in sex work, mindful of the legal intricacies that probe and potentially redefine the boundaries of consent and the consensual nature of such work. The term inclusively refers to individuals across the gender spectrum engaged in the sex industry.

This paper aligns with scholars who define 'sex work' as encompassing a variety of erotic services, from sexual intercourse to stripping and pornography. However, given the distinct legal frameworks governing these activities and the paper's focused scope on aspects most susceptible to HIV risks, our analysis primarily addresses what is commonly referred to as 'prostitution.' The term 'prostitution,' fraught with historical and political baggage, is problematic due to its stigmatising and marginalising connotations.

As a foundational step, this study began with an exploration of the definitions of 'sex work' and 'sex worker' through the perspectives of the participants themselves, aiming to anchor our understanding in the lived experiences and self-identifications of those within the sex work community. This approach not only grounds our analysis in authenticity but also ensures a nuanced and empathetic engagement with the subject matter.

At the foundation of our exploration, particularly through the lens of criminalisation, the Ugandan Penal Code Act¹ articulates the definition of a "prostitute" as an individual who, whether in public domains or private settings, recurrently or habitually presents themselves as available for sexual intercourse or other forms of sexual gratification in exchange for monetary compensation or material benefits. The term "prostitution" is thus interpreted in alignment with this definition. This legal delineation serves as a critical point of departure for our analysis, framing the activities that fall under the scrutiny of Ugandan law and shaping the socio-legal context within which sex workers operate. This definition not only establishes the parameters of legality but also influences societal perceptions and the lived experiences of those involved in or associated with sex work in Uganda.

¹ Section 138 Penal Code Act, Cap 120 (as amended)

2 Legal Framework of Sex Work in Uganda

Uganda's legal landscape is shaped by an intricate amalgamation of international treaties and domestic statutes. This framework encompasses international legal instruments to which Uganda is a signatory, alongside legislation passed by the nation's Parliament. This dualistic legal structure creates a complex environment for sex workers, offering both protections and obstacles within the human rights domain and the penal code.

The Constitution of Uganda, promulgated in 1995, stands out as a forward-thinking document that enshrines essential human rights and freedoms applicable to all individuals, including sex workers. Further, Uganda's commitment to various international human rights treaties provides a layer of safeguards and protective measures specifically relevant to the rights of sex workers.

However, this commitment is juxtaposed against a body of domestic laws that not only criminalise sex work and associated activities but also, directly, or indirectly, undermine the rights and protections sex workers should enjoy under both international human rights conventions and the Ugandan Constitution. This section delves into the textual analysis of these laws, setting the stage for a subsequent examination of their real-world implications on the lives and rights of sex workers in Uganda.

In this section, we aim to succinctly outline the legal framework to lay the groundwork for understanding how these laws affect sex workers, particularly through their enforcement. This overview is crucial, given the comprehensive analyses available in existing literature, such as the "Legal Regulation of Sex Work in Uganda: Exploring the current trend and their impact on human rights of sex workers" published by HRAPF in 2016, and "An Analysis of laws and policies affecting sex workers in Uganda" by AWAC in 2022. These studies provide an in-depth examination of Uganda's legal landscape concerning sex work and its ramifications on the human rights of sex workers.

While acknowledging these valuable contributions, our focus is narrowed to spotlight the laws that criminalise sex work and the consequences of their implementation on sex workers. This approach is intentional, to avoid redundancy with the comprehensive coverage already provided by the studies. Nevertheless, it is important to note recent legislative developments, such as the introduction of the Anti-Homosexuality Act, 2023. Although this act represents a significant change in the legal environment, our analysis will remain concentrated on the laws directly criminalising sex work and their direct impact on sex workers, which is the central theme of our study.

3 An Overview of Legal Provisions Criminalising Sex work in Uganda

The legal structure that governs sex work in Uganda is significantly influenced by the nation's colonial heritage. The genesis of many Ugandan laws can be traced back to the colonial period when legislative frameworks were imported from Imperial Britain, undergoing minimal alterations to adapt to the local context. These colonial-era laws were deeply intertwined with religious doctrines, embedding moral principles defined by the church into the legal fabric.

While European countries have progressively evolved away from such moralistic legislative approaches, Uganda retains a legal system that is markedly moralistic in its stance towards legislation, particularly in the context of sex work. This adherence to a moralistic legislative framework has profound implications for the rights and lives of sex workers in Uganda.

In this analysis, we will examine specific statutes within Uganda's legal regime that criminalise sex work. By dissecting these legal provisions, we aim to illuminate how they infringe upon the rights of sex workers, perpetuating a cycle of marginalisation and vulnerability. This exploration is crucial for understanding the broader legal and social challenges faced by sex workers in Uganda and forms a critical component of our study on the impact of sex work laws in the country.

3.1 Penal Code Act Cap 120: Offences Against Morality

The Penal Code Act Cap. 120 (PCA), a relic of the colonial era, remains the cornerstone of Uganda's criminal law, defining a wide array of offenses and prescribing their respective punishments. Established on June 15, 1950, the PCA has endured with minimal amendments, thereby preserving many of its original statutes that reflect the moral and legal perspectives of that time.

Of relevance to our discussion are the sections of the PCA that pertain to "offences against morality," which have significant implications for sex work in Uganda. These provisions, embedded within a legal framework that dates back over seven decades, are critical to understanding the current legal challenges faced by sex workers in Uganda. The specific sections within the PCA that impact sex work will be examined for their direct and indirect effects on the rights, safety, and well-being of individuals engaged in sex work, providing a lens through which to assess the broader socio-legal landscape governing sex work in Uganda.

3.1.1 Prostitution and Related Offences (Sections 136, 137, 138)

3.1.1.1 Prohibition of Prostitution (Section 139)

Section 139 which provides that any person who practises or engages in prostitution commits an offence and is liable to imprisonment for seven years. Section 138 defines a "prostitute" as a person who, in public or elsewhere, regularly, or habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary or other material gain.

The terms "prostitute" and "prostitution" within Ugandan law explicitly target individuals involved in sex work, defining them as those who engage in sexual activities for financial remuneration. Particularly, Sections 139 and 138 of the Penal Code Act (PCA) play a pivotal role in the criminalisation of sex work, effectively rendering the livelihoods of sex workers illegal. These sections not only prohibit the practice of sex work, but also subject individuals involved in this trade to harsh punitive measures.

The implementation of these legal provisions marks a significant barrier to the rights and freedoms of sex workers in Uganda especially economic rights. By criminalising the very

means through which sex workers earn their livelihood, the law places them in a precarious position, where the pursuit of their profession exposes them to the risk of legal penalties, societal stigma, and a host of other vulnerabilities. This legal stance represents one of the most substantial obstacles to the realisation and enjoyment of basic human rights by sex workers, highlighting the urgent need for a re-evaluation of the legal frameworks that govern sex work in Uganda.

3.1.1.2 Living on the Earnings of Prostitution (Section 136)

Section 136 of the PCA provides that every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes commits an offence and is liable to imprisonment for seven years. Subsection (2) provides that where a person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling his or her prostitution with any other person, or generally, that person shall, unless he or she shall satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

This legal provision places an undue burden on sex workers and their associates, effectively criminalising the economic and social interactions that stem from sex work. The broad scope of this provision not only penalises sex workers for their means of earning a livelihood but also impacts their ability to form and maintain personal relationships and family connections. By criminalising the reliance on earnings from sex work, the law indirectly forces sex workers into a precarious economic position, where their primary, and often only, source of income is deemed illegal.

Furthermore, the extension of criminal liability to those associated with sex workers exacerbates the social stigma and isolation faced by this group, hindering their social integration and access to support networks. The provision also has dire implications for the family life of sex workers, contributing to instances where their parental rights are compromised or their children are removed, under the guise of protecting the welfare of the child but often as a direct consequence of the criminalisation of their livelihood.

This legal framework not only marginalises and oppresses sex workers but also infringes upon their fundamental human rights, including the right to work, the right to an adequate standard of living, and the right to family life, calling into question the compatibility of such laws with both domestic and international human rights standards.

3.1.1.3 Operation of Brothel (Section 137)

Section 37 of the PCA provides that any person who keeps a house, room, set of rooms or place of any kind for purposes of prostitution commits an offence and is liable to imprisonment for seven years.

The criminalisation of operating or maintaining premises for sex work directly contributes to the vulnerability of sex workers by pushing their activities into more hidden, and potentially unsafe, environments. Without the ability to establish secure and controlled spaces, sex

workers are at a heightened risk of exploitation, violence, and health hazards, including sexually transmitted infections. The law not only marginalises sex workers but also undermines public health and safety efforts by obstructing access to harm reduction resources and support services that could be more effectively provided in regulated environments.

This provision, therefore, not only penalises individuals involved in the logistical aspects of sex work but also indirectly exacerbates the challenges and dangers faced by sex workers themselves, highlighting a critical area where legal reforms could significantly enhance the safety and well-being of individuals engaged in sex work.

3.1.2 Offences against Health and Convenience (Sections 167, 168)

3.1.2.1 Idle and Disorderly' Persons (Section 167)

Section 167(a) of the PCA provides that any person who—(a) being a prostitute, behaves in a disorderly or indecent manner in any public place shall be deemed an idle and disorderly person, and is liable on conviction to imprisonment for seven years.

This section of the law is particularly problematic for sex workers as it directly targets their profession and presence in public spaces, equating their livelihood with criminal behaviour. The broad and subjective terms "disorderly" or "indecent" provide law enforcement with wide discretion, which can lead to arbitrary and discriminatory enforcement practices against sex workers. As a result, this provision not only legalises the penalisation of sex workers for their means of income but also contributes significantly to their social marginalisation and stigmatisation.

By branding sex workers under the 'idle and disorderly' category, the law reinforces negative stereotypes and societal biases against them, further entrenching the discrimination they face. This legal framework increases the vulnerability of sex workers to law enforcement abuses, including arbitrary arrests and detention, and exacerbates their risk of violence and exploitation by pushing their activities further underground. The use of such legal provisions to target and penalise sex workers highlights a pressing need for legal and social reforms that recognise the rights and dignity of sex workers, ensuring their protection and integration within the broader societal framework.

3.1.3 Unnatural Offences (Section 145)

3.1.3.1 Criminalisation of Specific Acts (Section 145)

Section 145 provides that any person who has carnal knowledge of any person against the order of nature;(b) has carnal knowledge of an animal; or(c)permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life. Section 145 criminalises acts such as anal and oral sex, integral components of sex work. The life imprisonment penalty not only harshly penalises these acts but further marginalises sex workers, subjecting them to heightened legal risks.

The conflation within Section 145 of the Penal Code Act (PCA), which lumps together consensual sexual acts between adults with bestiality, represents a deliberate legislative strategy to stigmatise and discredit homosexual relations, particularly among men. This legal

framing not only seeks to delegitimise and marginalise same-sex relationships by categorising them alongside acts widely considered to be taboo but also enforces a normative view that exclusively recognises heterosexual relationships as natural and acceptable.

This approach to legislation is deeply problematic as it systematically discriminates against the LGBTQ+ community, particularly targeting men who have sex with men (MSM) by labelling their sexual activities as 'unnatural.' Such legal provisions serve to ostracise and demonise individuals based on their sexual orientation, contributing to a social environment where homophobia is legitimised and perpetuated through the legal system.

The inclusion of such acts under criminal offenses not only reflects a rigid and moralistic view of sexuality but also disproportionately impacts sex workers by criminalising aspects of their work. The potential for life imprisonment over such acts represents an extreme legal response, further marginalising sex workers and deterring them from seeking legal protection or health services due to fear of legal repercussions.

This section exemplifies the punitive approach taken towards sex work and related sexual activities within Uganda's legal framework, contributing to the stigmatisation and marginalisation of sex workers. It highlights the urgent need for a re-evaluation of laws related to sex work, advocating for legal reforms that protect rather than penalise, and recognising the rights and humanity of sex workers.

3.1.3.2 Indecent Practices (Section 148)

Section 148 of the PCA provides that any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.

The ambiguity of Section 148, particularly the lack of a clear definition of what constitutes "acts of gross indecency," presents a significant legal grey area. This vagueness affords law enforcement considerable discretion in interpreting and applying the law, which can lead to inconsistent and potentially arbitrary enforcement. For sex workers, this ambiguity poses a substantial risk, as their actions, part of their professional activities could be arbitrarily classified as "grossly indecent" by law enforcers, thereby subjecting them to legal prosecution and penalties.

The broad and subjective nature of this legal provision not only endangers sex workers by exposing them to heightened legal jeopardy but also contributes to the broader issue of legal uncertainty, where individuals are unsure of what specific behaviours might lead to criminal charges. This legal uncertainty can inhibit personal freedoms and exacerbate the vulnerabilities of already marginalised groups, such as sex workers, by increasing their susceptibility to harassment, extortion, and abuse under the guise of law enforcement. The need for clearer legal definitions and protections is evident, to ensure that laws serve to uphold justice and protect individuals' rights rather than facilitate arbitrary and discriminatory practices.

3.2 Laws Governing Associations: Non-Governmental Organisations Act 2016 (NGO Act)

3.2.1 Restrictions on Organisational Objectives (Sections 30, 31, 40)

Sections 30, 31, and 40 of the Non-Governmental Organisations (NGO) Act place significant restrictions on the formation and operation of organisations in Uganda, particularly affecting those that might advocate for the rights and interests of sex workers. Section 30 stipulates that an organisation cannot be registered if its objectives, as outlined in its constitution, contravene the laws of Uganda. This provision poses a direct challenge to sex workers and their advocates, as the objectives of any group seeking to support or advocate for sex workers' rights could be deemed in violation of existing laws that criminalise aspects of sex work.

Furthermore, Section 31 reinforces these restrictions by detailing the registration process and criteria for NGOs, which can be prohibitively stringent for organisations advocating controversial or legally sensitive issues, such as sex work. Section 40 compounds these challenges by criminalising the operation of any organisation without a valid permit, adding a layer of legal risk for groups working on behalf of sex workers.

The NGO Act, particularly through the enforcement actions of the NGO Bureau, has effectively stifled the efforts of civil society to form legally recognised groups that could advocate for the rights, health, and safety of sex workers. This legal framework not only impedes the collective action and advocacy necessary for addressing the myriad challenges faced by sex workers but also hampers the broader dialogue and efforts needed for legal reforms in the realm of sex work. The denial of permits to NGOs focused on sex workers' rights serves as a significant barrier to progress, delaying essential legal and social reforms that could improve the lives and working conditions of sex workers in Uganda.

3.3 Anti-Pornography Act, 2014

Section 13 of the Anti-Pornography Act, 2014 prohibits the production, publication, broadcasting, procuring, importation, exportation, or sell of any form of pornography. It further provides that a person who produces or participates in the production of, publishes, broadcasts, procures, imports, exports or in any way abets pornography contrary commits an offence and is liable, on conviction, to a fine not exceeding ten million or imprisonment not exceeding ten years or both. The provisions of the Act impact sex work in the following ways:

Broad Definition of Pornography (Section 2): Section 2 of the Act defines “pornography” as any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement;

For sex workers, this broad definition poses a particular risk, as it potentially criminalises aspects of their work, especially those that have adapted to include digital and online platforms. In an era where sex work increasingly intersects with digital media and technology,

the Act's provisions could be interpreted to target consensual adult content created and shared by sex workers, infringing upon their economic rights and autonomy. This approach to regulating pornography, without clear distinctions for consent and adult participation, undermines the rights of individuals to engage in consensual sexual expression and work, highlighting the need for a more nuanced legal framework that respects individual rights while addressing legitimate concerns related to non-consensual and exploitative content.

Penal sanctions of owners of leisure and entertainment businesses or premises where acts defined under Section 2 of the Act to mean pornography:

Section 18 of the Act provides that where a proprietor of a place of leisure or entertainment or of a business dealing in leisure or entertainment commits a second or subsequent offence under this Act, the court convicting the offender for the second or subsequent offence may issue an order suspending or prohibiting the offender from dealing in leisure or entertainment.

This legal provision poses a direct threat to the livelihoods of individuals working within these sectors, including sex workers who might find employment in such venues, offering services that align with the broader definition of entertainment. The potential for such harsh sanctions against venue owners creates a chilling effect, discouraging the employment of sex workers and thereby limiting their opportunities for lawful and safe work environments.

The implications of Section 18 extend beyond the immediate legal consequences for business owners, affecting the broader ecosystem of leisure and entertainment industries. By placing such stringent penalties on proprietors, the law inadvertently compromises the employment rights of individuals who rely on these sectors for their livelihoods, including sex workers. This not only threatens their economic stability but also denies them the opportunity to work in environments where their rights could be more easily protected and advocated for.

The sanctions envisioned by Section 18 of the Anti-Pornography Act, while aimed at curbing activities deemed undesirable by the law, have the unintended consequence of further marginalising sex workers, pushing them away from potentially safer work settings and exacerbating their vulnerability.

Penalising corporate entities that are involved in pornography:

Section 19 of the Act provides that where an offence under the Act is committed by a body corporate—(a)that body corporate, is liable to a fine not exceeding double the fine prescribed in relation to the offence for an individual who commits the offence; and(b)a director or secretary of the body corporate or a partner in the firm who is proved to have contributed to the commission of the offence shall be taken also to have committed the offence and is liable to the penalty prescribed for an individual who commits the offence.

This provision has profound implications for sex workers who might utilise corporate structures to manage aspects of their work, such as adult content creation. By penalising corporate entities and their responsible members, the law not only targets traditional forms of sex work but also extends its punitive reach to digital and online spaces where sex workers

might operate legally and safely under corporate entities. This broad application of the law affects the economic rights of sex workers who leverage corporate entities for their professional activities, imposing a substantial legal and financial risk on their operations.

The impact of Section 19 thus goes beyond the mere regulation of pornography to affect the broader framework within which sex workers can operate, innovate, and secure their livelihoods. By treating corporate entities involved in adult content creation on par with individual offenders and subjecting them to amplified penalties, the provision curtails the professional and economic freedoms of sex workers, stifling their ability to engage in their work within a structured and potentially safer business environment. This raises significant concerns about the balance between regulating content deemed as pornographic and safeguarding the economic rights and professional autonomy of individuals within the adult entertainment industry.

3.4 HIV Laws: HIV and AIDS Prevention and Control Act of 2015 Criminalisation of HIV Transmission (Sections 41, 43)

Section 41 of the HIV and AID Prevention and Control Act of 2015 provides that A person who attempts to transmit HIV to another person commits a felony and shall on conviction be liable to a fine of not more than twelve currency points or imprisonment of not more than five years or both.

Section 43 of the Act further provides that a person who wilfully and intentionally transmits HIV to another person commits an offence, and on conviction shall be liable to a fine of not more than UGX. 2.4Million or to imprisonment for a term of not more than ten years or to both.

Sex workers may face prosecution for attempted or intentional transmission of HIV under Sections 41 and 43 of the Act.

The repercussions of these legal requirements extend beyond the immediate legal penalties. Mandatory disclosure and the associated public health measures can exacerbate the stigma and discrimination faced by sex workers, further marginalising them and complicating their personal and professional relationships. This stigmatisation can deter sex workers and others from seeking essential health services, including HIV testing, treatment, and prevention, for fear of legal consequences and social ostracization.

Therefore, while the intention behind Sections 41 and 43 is to control and prevent the spread of HIV, the practical implications for sex workers highlight the complex interplay between public health objectives and the protection of individual rights. The criminalisation of HIV transmission, particularly in the context of sex work, underscores the need for a nuanced approach that balances public health imperatives with the safeguarding of human rights and dignity.

3.5 Anti-Homosexuality Act, 2023 (AHA)

Criminalisation of Same-Sex Acts (Section 2, 9):

The Anti-Homosexuality Act (AHA) imposes stringent penalties on same-sex acts, which, for some sex workers, might constitute a means of livelihood. Section 2 of the AHA explicitly bans sexual relations between individuals of the same sex, negating the possibility of consent as a viable defence under Section 6. This provision effectively strips individuals of the right to engage in consensual same-sex relationships, leaving them vulnerable to legal action.

Furthermore, Section 9 of the AHA expands the scope of criminal liability to include landlords, criminalising the act of leasing residential properties to individuals known to engage in homosexual activities. This provision not only targets the LGBTQ+ community but also places a burden on landlords, potentially fostering a climate of surveillance and discrimination in housing.

For gay and lesbian sex workers, the AHA's provisions exacerbate an already precarious situation by criminalising their sexual orientation and professional activities. The act's stringent penalties and broad criminalisation strategies significantly undermine the sexual rights of LGBTQ+ individuals, instilling a pervasive fear of criminal prosecution and social persecution. The inclusion of penal sanctions for landlords under Section 9 further complicates the living arrangements for gay and lesbian sex workers, as it threatens their housing stability and privacy, pushing them further into the margins of society.

The AHA's far-reaching consequences highlight the urgent need for legal reforms that recognise and protect the rights and dignity of all individuals, regardless of their sexual orientation or profession, ensuring that consensual sexual activities between adults are not unjustly criminalised.

3.6 Anti-Money Laundering Act, 2013 (AMLA)

The Anti-Money Laundering Act (AMLA) of 2013, while primarily aimed at curbing financial crimes, inadvertently impacts the freedoms and rights of sex workers due to the criminal status of sex work in Uganda. Section 1 of the AMLA defines "money laundering" extensively, encompassing the act of converting or concealing the origins of proceeds obtained from criminal activities to make them appear legitimate. The definition of a "crime" under the same section is broad, covering any act considered criminal under Ugandan law or any act outside Uganda that would be deemed criminal if it occurred within the country.

Given that sex work is criminalised in Uganda, the AMLA's definitions imply that any earnings derived from sex work, even from authorities where it is legal, are viewed as proceeds of crime. This stance significantly undermines the rights and economic freedoms of sex workers, particularly those who operate transnationally or who may come from regions where sex work is legalised and regulated.

The implications of the AMLA for sex workers extend beyond the mere criminalisation of their earnings. They contribute to an environment where sex workers are continuously vulnerable to legal repercussions, financial scrutiny, and stigmatisation, even for activities conducted legally in other countries. This legal framework exacerbates the challenges faced by sex workers, embedding their work and earnings within a context of illegality, and contributing to their marginalisation.

To effectively address the multifaceted issues confronting sex workers in Uganda, it is essential to consider the complex interactions between various laws, including those not related to morality or sex work, such as the AMLA.

A comprehensive approach to reform must critically examine these laws' direct and indirect effects on sex workers and seek to alleviate the undue burdens placed on this marginalised community.

4 Impact of Sex Work Laws

In 2011, the African Sex Workers Alliance (ASWA) interviewed dozens of Ugandan sex workers about human rights violations perpetrated by law enforcement. The respondents' experiences reflect a common theme of rape, exploitation, and physical and emotional abuse². Similarly, all the respondents to a 2010 study of 68 sex workers in Kampala said that police beat and raped them if they resisted arrest. In one documented case, sex workers reported that military police in Kisenyi had raped various sex workers. The sex workers felt that it was futile to report the rapes to police because superior officers were responsible. In another case, officers beat a sex worker with a metal baton while she was working as a bartender. Following the beating, they took her into custody, where a police officer poked at her vagina with a baton, hit her head, and threatened to have her do physical labour in a neighbouring town if she did not pay them 200,000 Ugandan shillings by the next morning. Police officers raped another female sex worker when she went to report abuse by criminals posing as clients.

The repercussions of these violations extend beyond immediate physical and psychological trauma. They significantly hinder efforts in public health, particularly in HIV/AIDS prevention and treatment among sex workers. The pervasive fear of law enforcement discourages sex workers from accessing essential health services, reporting incidents of violence, or engaging in interventions aimed at reducing HIV transmission rates. Studies indicate that criminalization and police violence against sex workers drastically increase their vulnerability to HIV by limiting their ability to negotiate safer sex practices and deterring them from seeking health care services. In Kampala, the capital of Uganda, a respondent-driven sampling survey revealed a staggeringly high HIV prevalence among female sex workers, estimated between

² African Sex Worker Alliance, "'I expect to be abused and I have fear': Sex workers' experiences of human rights violations and barriers to accessing healthcare in four African countries," (2011)

32.4% and 52%.³ This high prevalence is a direct consequence of the legal and social barriers that hinder sex workers' access to essential health services, including HIV testing and treatment, and exacerbate their risk of HIV transmission. The criminalisation of sex work forces the trade underground, making it more challenging for health interventions to reach this high-risk population and for sex workers to seek medical care without fear of legal repercussions.

A study conducted in northern Uganda, a region still reeling from the effects of prolonged conflict, shed light on the dire circumstances faced by female sex workers. Here, the prevalence of violence was alarmingly high, with 49% of the sex workers surveyed reporting physical or sexual violence by clients. This violence ranged from physical assault to rape and gang rape, further exacerbated by the omnipresence of police, which compelled sex workers to hasten negotiations with clients, thereby increasing their vulnerability to violence. The study also highlighted the link between such violence and increased HIV risk, emphasizing the urgent need for interventions that address both the human rights and public health aspects of sex work.⁴

The synthesis of the examined studies underscores a pervasive narrative: the manifold challenges encountered by sex workers predominantly originate from the prevailing legal frameworks and, more critically, their enforcement mechanisms. This recurrent theme, woven throughout the research, illuminates the stark reality that the legal criminalisation of sex work not only emboldens impunity against this marginalised group but also catalyses societal stigmatisation. Perpetrators of violence and exploitation exploit the legal vulnerabilities of sex workers, aware that the fear of legal reprisal forces these individuals into the shadows, thereby exacerbating their susceptibility to abuse and injustice.

This systemic marginalisation, underpinned by legal constraints, not only precipitates a spectrum of adversities for sex workers but also extends its ramifications to their familial units, unsettling parental rights and the broader social fabric. The legal environment, thus, does not operate in isolation but intersects with social, economic, and health dimensions, weaving a complex tapestry of vulnerability that transcends the individual and impacts the collective well-being of families associated with sex work.

In this context, the need for a paradigm shift in policy and legal frameworks becomes evident and it is a recommended theme across some of the key studies like those by Human Rights Awareness and Promotion Forum (HRAPF)⁵, and several studies undertaken by Alliance of

³ Hladik, W., Baughman, A., Serwadda, D., Tappero, J., Kwezi, R., Nakato, N., & Barker, J. (2017). Burden and characteristics of HIV infection among female sex workers in Kampala, Uganda - a respondent-driven sampling survey. *BMC Public Health*, 17. <https://doi.org/10.1186/s12889-017-4428-z>.

⁴ Muldoon, K., Akello, M., Muzaaya, G., Simo, A., Shoveller, J., & Shannon, K. (2017). Policing the epidemic: High burden of workplace violence among female sex workers in conflict-affected northern Uganda. *Global Public Health*, 12, 84 - 97. <https://doi.org/10.1080/17441692.2015.1091489>.

⁵ HRAPF, *Legal Regulation of Sex Work in Uganda: Exploring the Current Trends and their Impact on the Human Rights of Sex Workers*, 2016. <https://hrapf.org/?mdocs-file=9310>

Women Advocating for Change (AWAC) ⁶ which not only analyse the existing laws in sufficient detail but also give extensive legal and policy reform recommendations. A transition towards laws that decriminalise sex work and prioritise the human rights and dignity of sex workers is imperative to dismantle the structural barriers that perpetuate their marginalization. Such reforms, coupled with holistic support systems, can significantly mitigate the vulnerabilities of sex workers and foster an environment where their rights are safeguarded, and their well-being is prioritised, thereby contributing to the broader goal of social justice and equity.

FINDINGS FROM THE EMPIRICAL SURVEY

1 Understanding of the concept of sex work

1.1 The sex workers' point of view

When probed about the perception of sex work, the respondents presented the following definitions of sex work.

The provided definitions highlight various perspectives on sex work:

1. The first definition characterises sex work as a profession that generates earnings through sexual activities. It is likened to any other form of labour that necessitates proficient negotiation skills and access to services.
2. The second definition posits that sex work involves bartering services, specifically the exchange of sexual services for goods.
3. The third perspective describes sex work as the exchange of sexual activities for money or material items such as phones or food, emphasising that this exchange is based on mutual consent between the parties involved.
4. As a sex worker, my profession involves providing sexual services for which I receive compensation. This compensation may be monetary or in the form of items that I need or want. My work demands that I have strong negotiation skills and be able to access certain services that help me to do my job safely and efficiently.
5. In my line of work, I engage in consensual sexual activities with clients who in return provide me with financial or other material benefits. It is essential that we both agree on the terms of our exchange, ensuring clarity and mutual satisfaction in our agreement.
6. From my perspective as a sex worker, I offer sexual services and in exchange, I receive benefits that we have mutually agreed upon, which could include money or items of value. Engaging in this profession requires consent from both parties and a specific set of skills, as well as access to certain resources that allow me to perform my services professionally and safely.

Integrating these perspectives, we can construct a general definition from the sex worker's point of view;

“Sex work is a profession where individuals like me provide consensual sexual services in return for compensation, which may be in the form of money, goods, or other material benefits. It requires negotiation skills, access to appropriate services for safety and wellbeing, and rests on a foundation of mutual consent and clear agreement between adults. This work is conducted in a professional context, with the understanding that it involves the exchange of intimacy for agreed-upon rewards, respecting the autonomy and choices of all parties involved.”

Sex work is a form of labour where individuals engage in sexual activities in return for compensation. This compensation may come in various forms, including money, goods, or other material benefits. Essential to this work are negotiation skills and access to relevant services. The nature of the exchange is based on mutual agreement between the parties involved, underlining the consensual aspect of this profession.

1.2 Policy Makers

Policymakers in Uganda, according to the study responses, are increasingly viewing sex work from the dual perspectives of public health and human rights. They recognise the inherent vulnerabilities of sex workers, particularly concerning their heightened risk of HIV and other sexually transmitted infections (STIs). This recognition extends to an understanding that sex workers, as a marginalised community, necessitate equitable access to comprehensive sexual and reproductive health services.

Efforts by organisations such as Reproductive Health Uganda (RHU), in collaboration with international partners like the IPPF Africa Region, highlight a proactive stance towards advocating for sex workers' rights. These collaborations are focused on establishing safe environments where sex workers can avail themselves of critical health services, including HIV counselling, testing, and treatment for STIs, in a non-discriminatory setting. Such initiatives underscore a broader acknowledgment among policymakers of the importance of creating supportive frameworks that enable sex workers to seek medical and legal assistance freely, facilitating informed choices about their health and occupation.

The discourse among policymakers also delves into the socio-economic dynamics that propel individuals into sex work, with particular emphasis on poverty and gender inequality. This understanding fosters a nuanced view of the challenges faced by sex workers, encompassing issues of violence, exploitation, and social marginalisation. There is a growing recognition of the imperative to establish legal and social safeguards that not only protect sex workers from harm but also empower them to operate within a safe, abuse-free, and legally secure environment.

While the current legal framework in Uganda continues to criminalise sex work, there is a burgeoning advocacy movement among policymakers and civil society organisations advocating for substantial policy reforms. The argument for decriminalising sex work is predicated on the belief that such a legal shift would yield improved health outcomes for sex workers and afford them the opportunity to conduct their work with enhanced safety and respect for their dignity.

1.3 Sex Work Advocates

A **sex work advocate** is an individual or organisation actively working to support the rights and well-being of sex workers within the country. This person or entity strives to create a safe, stigma-free, and legal environment for sex workers, often engaging in activities such as policy reform, public education, and the provision of services that range from legal assistance to health care. They may also work to challenge the social, economic, and legal issues that

marginalise sex workers and push for recognition of sex work as legitimate labor deserving of the same protections and rights as other professions. A sex work advocate in Uganda would also be sensitive to the unique cultural and societal context of the country and would work within this framework to promote the dignity and human rights of sex workers.

For such organisations, Sex work is recognised as a legitimate profession encompassing a spectrum of consensual activities wherein adults engage in sexual services, performances, or erotic entertainment in exchange for material compensation such as money, goods, or services. It is a field that demands passion, love, and dedication, like any professional endeavour. Those in the sex work industry are professionals offering specialised services, and they contribute to their economic well-being by providing for themselves and their families, as well as fulfilling the needs of their clients. As advocates for sex workers, they understand and underscore the importance of consent and the autonomy of those within the industry, advocating for their rights, safety, and recognition in society. We emphasise that sex work includes a diverse range of activities, such as prostitution, escorting, erotic massage, and adult entertainment, and that those who participate in these transactions do so willingly, with the intention of enhancing their livelihood and standards of well-being. It is crucial to approach the subject of sex work with respect, understanding the varied and complex factors that contribute to its existence, and ensuring that the conversation around it is informed by the voices of those who are part of the industry.

1.4 Law Enforcement

From the perspective of law enforcement in Uganda, the approach to sex work is primarily through enforcement of the current laws which criminalise the practice. Law enforcement actions often include arrests and crackdowns, which are a part of the broader strategy to uphold the legal prohibitions against sex work. However, these practices have been criticised for leading to human rights violations and abuses against sex workers. Reports indicate that such enforcement often involves extortion, harassment, and physical and sexual violence perpetrated by police officers against sex workers.

It is important to note that the law enforcement perspective is part of a larger dialogue about sex work in Uganda, which also involves discussions on public health and human rights. Some advocates argue that the criminalisation of sex work exacerbates the vulnerability of sex workers, pushing the trade underground and increasing risks, including health risks such as HIV/AIDS transmission. They call for the decriminalisation of sex work to protect human rights and improve working conditions for sex workers.

In summary, the law enforcement view in Uganda is currently aligned with the legal framework that criminalises sex work, but this approach has been met with concerns about the negative impact on the human rights and welfare of sex workers. There are calls from various sectors for reform and consideration of the decriminalisation of sex work to mitigate these issues.

2 The impact of the existing sex work laws on the sex workers

The study embarked on an exploration of the legislative landscape surrounding sex work, aiming to dissect the nuances of law enforcement and the protection of sex workers' rights. A pivotal aspect of this inquiry involved direct engagement with sex workers to gauge their awareness and understanding of the legal frameworks governing their profession. Surprisingly, the initial findings revealed a significant knowledge gap: none of the sex workers interviewed possessed a clear understanding of the specific laws applicable to their industry, nor were they aware of the potential sanctions for any legal infringements.

This lack of awareness among sex workers about the legalities of their profession underscores a critical disconnect between the legal system and the realities of those it governs. The absence of knowledge regarding applicable laws and potential legal consequences not only leaves sex workers vulnerable to exploitation and abuse but also impedes their ability to seek protection and justice within the legal framework. This finding prompts a deeper examination of the mechanisms for legal education and outreach, highlighting the need for targeted efforts to bridge this information gap and empower sex workers with the knowledge necessary to navigate the complexities of the legal environment in which they operate.

The consensus among respondents highlighted that street-based sex workers are particularly susceptible to harm, abuse, and exploitation. This vulnerability served as a starting point for delving deeper into the study from the perspective of sex workers themselves, aiming to uncover and understand the prevalent themes of harm and susceptibility to exploitation within their experiences.

A significant factor contributing to the stigmatisation and marginalisation of sex workers is the use of the term "prostitute," a label derived from legal terminology. This term carries with it a heavy burden of societal stigma and delegitimation, effectively stripping the profession of any semblance of dignity or respect. The legal and societal deployment of the term "prostitute" not only reinforces negative stereotypes but also alienates individuals within the profession, hindering their access to rights and protections typically afforded to other labour sectors.

Understanding the impact of such stigmatisation is crucial for addressing the challenges faced by sex workers. It necessitates a shift in both legal frameworks and societal perceptions, moving towards language and policies that recognise the agency, dignity, and rights of sex workers. By reframing the discourse and adopting more respectful and empowering terminology, there is potential to reduce stigma and create a more supportive environment for sex workers, thereby enhancing their safety, rights, and well-being.

The unanimous agreement among respondents that "Sex workers are exposed to harm and are vulnerable to abuse and exploitation" underscores the profound impact of the legal status of sex work on their safety and rights. The criminalisation of sex work not only marginalises sex workers but also significantly hampers their ability to seek protection and justice. Many sex workers reported instances of physical violence and abuse encountered during their work,

yet the fear of legal repercussions and societal stigma deters them from reporting these violations to authorities.

The gravity of the situation is further highlighted by reports of sex workers being killed⁷ while on the job, with little to no action taken to address these egregious violations of human rights. The lack of legal safeguards and recognition of sex work as a legitimate form of labour contributes to a perilous environment where both sex workers and their clients are left unprotected and vulnerable to exploitation by malicious actors.

The experiences shared by sex workers in Uganda, mirrored by similar reports from neighbouring Kenya⁸, emphasise the urgent need for a shift in legal and societal approaches to sex work. There is a critical need for the recognition, regulation, and implementation of protective measures for sex workers, acknowledging their profession as an integral part of the community. By transitioning towards a framework that decriminalises and regulates sex work, it is possible to create a safer, more dignified, and rights-respecting environment for sex workers and their clientele, effectively reducing harm and exploitation within the industry.

The argument for decriminalisation of sex work, as voiced by some respondents, centres on the potential to significantly mitigate harm, abuse, and exploitation within the industry. By integrating sex work into the mainstream, decriminalisation would enable sex workers to more readily access their rights and invoke protective mechanisms against abuses by police and community members. This shift would not only recognise sex work as a legitimate form of labour but also subject it to regulation and monitoring, thereby enhancing the safety and well-being of sex workers.

Regulation could lead to the dismantling of barriers that currently hinder sex workers' access to essential services, their ability to report violence and rape, and perform basic financial transactions like opening a bank account. These changes could profoundly impact the day-to-day lives and safety of sex workers, offering them protections and rights afforded to other labour sectors.

Sex work advocates unanimously view sex workers as frequent victims of violence, both from clients and law enforcement officers, attributing much of this vulnerability to the existing legal framework that criminalises their work. The criminal status of sex work forces it into the shadows, exacerbating the risks sex workers face and limiting their options for recourse in the face of violence and abuse. The consensus among respondents is clear: the path towards reducing harm and improving the conditions for sex workers lies in the decriminalisation and subsequent regulation of the industry, a change that would acknowledge their rights and contributions to society while enhancing their safety and dignity.

⁷ <https://www.monitor.co.ug/uganda/news/national/rwandan-female-sex-worker-found-dead-in-kabale-hotel-4395260>

⁸ <https://www.dailymail.co.uk/news/article-10152737/Kenya-REOPENS-case-murder-prostitute-reports-claimed-UK-soldier-confessed.html>

The responses from the study shed light on a particularly distressing aspect of the sex work industry: the disproportionately high levels of violence faced by women, with a significant portion of the abuse reportedly perpetrated by individuals within the police and law enforcement sectors. This troubling dynamic fosters a profound distrust and fear among sex workers towards reporting instances of rape and abuse, driven by the anticipation of secondary victimisation and a lack of empathetic treatment from the authorities.

Many sex workers recounted experiences of needing to alter their work locations due to police harassment, with some even facing the egregious demand of sexual favours in exchange for release from custody. Such coercion forces sex workers to seek out more secluded and hidden workspaces as a means of evading police interaction. However, this shift to less visible areas places them at an even greater risk of experiencing physical harm, including rape, assault, robbery, and harassment incidents that often go unreported and unaddressed by the legal system due to the criminalised nature of their profession.

The criminalisation of sex work thus creates a barrier that prevents sex workers from seeking and accessing the protection they are entitled to, essentially stripping them of their fundamental human rights. The prevailing legal and societal environment not only marginalises sex workers but also emboldens perpetrators, knowing the victims' limited recourse to justice. This situation underscores the urgent need for a re-evaluation of the laws surrounding sex work, advocating for reforms that prioritise the safety, dignity, and rights of sex workers as equal members of society.

2.1 Police Brutality

Police brutality emerges as a significant and troubling theme from the experiences shared by sex workers, highlighting the abusive and exploitative interactions they often face with law enforcement. According to the accounts provided by sex workers and advocates, there appears to be a pattern of behaviour among some police officers characterised by the arbitrary arrest of sex workers, not with the intent to prosecute, but rather as a means to extort money or valuables, threatening them and denying them custody of their children. Reports of direct theft, extortion, verbal abuse, and physical assault were mentioned, painting a grim picture of the treatment sex workers receive at the hands of some members of the police force.

The response from law enforcement officials to these allegations acknowledges the existence of such misconduct, attributing it to the actions of a few 'bad apples.' While there is a recognition that such behaviour is unacceptable, the systemic nature of the problem and the lack of accountability measures in place to address these abuses remain concerning.

Conversations with members of the judiciary revealed an interesting contrast: despite the frequent arrests of sex workers, there appears to be a notable absence of formal charges or prosecutions related to prostitution brought before the courts. This discrepancy suggests a disconnect between law enforcement actions on the ground and the subsequent legal processes. Some prosecutors highlighted the challenges associated with prosecuting offences related to sex work, indicating that cases of prostitution are seldom pursued, except

for those involving 'carnal knowledge against the order of nature,' which are more likely to be acted upon.

The intricate challenges faced by sex workers, particularly in their interactions with law enforcement and within the judicial system, highlight a pressing need for comprehensive systemic reforms. The acknowledgment by some within the police force of misconduct towards sex workers represents an important acknowledgment of the problem. However, recognising the issue is only the initial step; it must be accompanied by concrete measures aimed at fostering accountability, safeguarding the rights of sex workers, and creating a legal framework conducive to justice and fairness.

3 Recognising Sex Work as “Work”

Sex work advocates present a compelling argument for recognising sex work as a legitimate form of labour, deserving of the same protections and benefits afforded to other professions under labour laws. This perspective is particularly relevant in discussions about decriminalising "prostitution," as it shifts the focus from criminalisation to labour rights, aiming to reduce the harm, abuse, and exploitation sex workers face.

Advocates point out that current sections of the Penal Code, specifically Sections 136, 138, and 139, infringe upon the dignity of sex workers in two significant ways. Firstly, these sections fail to acknowledge the agency and moral choice of individuals and collectives who choose to engage in sex work as a means of livelihood. This disregard for personal autonomy not only demeans the individuals involved but also delegitimises their work.

Secondly, by criminalising sex work, the law disproportionately impacts vulnerable groups within the sex worker community, many of whom turn to sex work out of economic necessity to support themselves and their families. The legal framework, as it stands, denies these individuals the choice to secure their livelihood through sex work, pushing them further into the margins of society and exacerbating their vulnerability.

The call for recognising sex work as work and extending labour protections to sex workers is grounded in a human rights-based approach that respects individual autonomy, dignity, and the right to work. Such a shift would not only provide sex workers with the legal protections and benefits enjoyed by other workers but also contribute to a broader societal recognition of sex work as a legitimate profession. This recognition could lead to more effective regulation, enhanced safety and health standards, and a reduction in the stigma and discrimination sex workers face, ultimately fostering a more inclusive and equitable society.

Sex work advocates raise critical concerns regarding privacy rights and the freedom to choose one's trade or profession, as enshrined in both national and international legal frameworks. They argue that Section 139⁹ of the Penal Code, which outrightly prohibits sex work regardless of whether it occurs in private or public spaces, infringes upon the right to privacy of sex workers. This blanket prohibition fails to distinguish between public solicitation and

⁹ Penal Code Act Cap 120 (As amended)

consensual transactions conducted in private, thereby violating the personal autonomy and privacy rights of individuals engaged in sex work.

The advocates further reference Article 40¹⁰ of the Constitution of the Republic of Uganda, emphasising that every citizen should have the freedom to choose their trade, occupation, or profession. They argue that while the practice of these trades may be subject to regulation by law, outright prohibition or banishment contradicts this constitutional right. The underlying principle here is those economic activities, including sex work, should not be inherently deemed unlawful, and that regulation, rather than prohibition, should be the norm.

In bolstering their argument, advocates draw upon international human rights instruments, such as Article 23(1)¹¹ of the Universal Declaration of Human Rights, Article 6.1¹² of the International Covenant on Economic, Social and Cultural Rights, and part 1(1)¹³ of the European Social Charter. These provisions collectively uphold the right to work, the freedom to choose one's employment, and the entitlement to just and favourable working conditions.

Sex work advocates posit that a legal and regulatory approach that acknowledges the agency of sex workers—recognising their choices and the constraints imposed by circumstances such as poverty—is the only viable path that aligns with the principles of the Bill of Rights and international human rights conventions. Such an approach would not only respect the rights and dignity of sex workers but also ensure consistency with broader human rights obligations, advocating for a shift from criminalisation to regulation that safeguards the rights and well-being of sex workers.

A representative from organisations focused on Key Populations raises nuanced considerations regarding the formal recognition of sex work as legitimate economic activity or work. The argument acknowledges the potential complexities and challenges that could arise from incorporating sex work within the standard framework of labour legislation. These challenges include issues related to workers' compensation, conflicts of interest concerning service delivery, career progression, and the long-term sustainability of sex work as a profession.

This perspective emphasises the need for a careful and comprehensive exploration of what it would mean to normalise sex work within the broader labour market and societal context. Recognising sex work as "work" would not only entail legal and regulatory changes but also necessitate a thorough examination of the implications for workplace culture, professional development opportunities for sex workers, and the integration of sex work into existing labour rights and protections frameworks.

¹⁰ Constitution of the republic of Uganda, 1995 (as amended)

¹¹ United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A

¹² UN General Assembly, International Covenant on Economic, Social, and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993

¹³ Council of Europe, European Social Charter (Revised) 3 May 1996

The discussion points toward the importance of addressing the unique nature of sex work and the specific needs and rights of sex workers in any move towards legalisation and regulation. It suggests that while there are potential benefits to recognising sex work as legitimate work, there are also significant considerations that must be taken into account to ensure that sex workers are afforded the same rights, protections, and opportunities for professional development as workers in other sectors.

This nuanced approach calls for a balanced and informed dialogue among stakeholders, including sex workers, policymakers, labour rights experts, and civil society organisations, to carefully navigate the complexities involved in integrating sex work into the broader labour market. The goal would be to create a legal and social framework that respects the rights and dignity of sex workers while addressing the unique challenges and opportunities presented by the formal recognition of sex work as a profession.

4 HIV/AIDS Perspective

The enforcement of sex work laws in Uganda, which predominantly criminalise the profession, has profound adverse effects on the health and overall well-being of sex workers, especially concerning their HIV risk. The criminalisation framework forces sex work into clandestine operations, significantly hindering sex workers' ability to access vital health services, including those for HIV prevention, testing, and treatment. This underground nature of their work, driven by the fear of legal consequences, not only isolates them from essential healthcare services but also from critical information and support networks that could mitigate their risk of HIV and other sexually transmitted infections (STIs).

The reluctance of sex workers to seek medical help or engage with health service providers stems from a legitimate fear of arrest, stigmatisation, or even violence from law enforcement agencies. This fear is compounded by the potential for discrimination within healthcare settings, where sex workers might face judgment or breach of confidentiality, further deterring them from accessing necessary health interventions.

Moreover, the legal environment exacerbates the vulnerability of sex workers to exploitation and abuse, both of which are significant risk factors for HIV transmission. The lack of legal protection leaves sex workers with little recourse in cases of violence or coercion, situations that significantly increase their exposure to HIV. The inability to negotiate condom use, the pressure to engage in higher-risk sexual activities, and the limited capacity to refuse clients under coercive circumstances are direct consequences of their marginalised legal status, all contributing to their heightened HIV risk.

ANALYSIS, RECOMMENDATIONS, AND CONCLUSIONS.

1 Analysis

1.1 Sex work in different perceptions

From the analysis of findings, we find several varying views on how different people from the sex work industry perceive the business or concept of sex work:

1. **Sex Workers:** They often view sex work as a means of livelihood and survival, advocating for decriminalisation to improve their safety, health, and working conditions. They seek respect and recognition of their labour as legitimate work.
2. **Policymakers:** Generally, perceive sex work through a legal and public health lens, focusing on the need for laws that address societal norms, health risks, and human rights. They often balance between law enforcement and public health strategies.
3. **Law Enforcement:** Tends to view sex work as an illegal activity that should be policed and regulated under the current laws, which can lead to a focus on criminalisation and, at times, punitive measures against sex workers.
4. **Sex Work Advocates:** These stakeholders, including NGOs and human rights groups, understand sex work as a complex socio-economic issue. They emphasise the human rights of sex workers, advocating for policy reforms that protect their dignity and ensure access to health services and justice.

The varying perceptions of sex work in Uganda among different stakeholders highlight the complex and multifaceted nature of the issue. It underscores the tension between legal frameworks, socio-economic realities, human rights, and public health concerns. The conclusion here is that there is a significant need for dialogue and policy considerations that can reconcile these differing viewpoints to improve the welfare and rights of sex workers. This could involve legal reform, improved law enforcement practices, and the empowerment and protection of sex workers' rights.

Analysing the legal frameworks surrounding sex work and their on-the-ground implementation reveals several key points that significantly impact sex workers which we again highlight below:

1.2 Increased Vulnerability to Violence

The criminalisation of sex work forces the industry underground, significantly increasing sex workers' susceptibility to violence, exploitation, and abuse. This illegal status hinders their ability to seek legal recourse or protection when their rights are violated, as the fear of arrest or prosecution often deters them from reporting crimes against them. Consequently, sex workers find themselves in a precarious situation where they lack access to essential protective services and face heightened risks in their work environments. Moreover, the stigmatisation associated with their illegal status further marginalises them, compounding their vulnerability to discrimination and harm. This situation underscores the need for a critical re-evaluation of laws criminalising sex work, advocating for legal frameworks that prioritise the

health, safety, and rights of sex workers, allowing them to operate in safer conditions and access justice and support services without fear of legal consequences.

1.3 Barriers to Health Services

The criminalisation of sex work, along with the pervasive stigmatisation attached to this profession, erects formidable barriers that prevent sex workers from accessing the essential health services they critically need. This situation is compounded by the fear of legal repercussions, which looms large for sex workers; the act of seeking health care risks exposure to legal action, including arrest and prosecution, due to the illicit nature of their work. Moreover, the stigma associated with sex work, deeply ingrained in societal attitudes and even within healthcare systems, fosters an environment rife with discrimination. This discrimination manifests in various forms, from judgmental treatment and breach of confidentiality to outright denial of services, which further deters sex workers from accessing healthcare facilities.

This reluctance to seek health services is particularly detrimental in the context of HIV prevention, testing, and treatment, as well as other critical sexual and reproductive health care needs. The lack of access to preventative measures, timely diagnosis, and effective treatment exacerbates the health risks faced by sex workers, contributing to higher rates of HIV/AIDS and other sexually transmitted infections (STIs) within this group compared to the general population. Additionally, the unaddressed healthcare needs extend beyond infectious diseases, encompassing a broad spectrum of sexual and reproductive health issues that remain neglected.

The consequences of these barriers are not confined to the health and well-being of sex workers alone; they also pose a significant public health challenge. The inability to effectively engage sex workers in health care services hampers efforts to control the spread of HIV/AIDS and other STIs, undermining public health initiatives aimed at these goals. Addressing these barriers requires a multifaceted approach that includes legal reform to decriminalise sex work, targeted efforts to reduce stigma and discrimination within society and healthcare settings, and the implementation of sex worker-friendly health services that respect their rights and dignity.

1.4 Impact on Safety and Dignity

The prevailing legal environment surrounding sex work significantly undermines the dignity and safety of sex workers, exposing them to a host of adversities that impinge upon their well-being. The criminalisation of sex work paves the way for a series of detrimental interactions with law enforcement, including arbitrary arrests and harassment, which not only pose a direct threat to their physical safety but also inflict psychological distress. These encounters often involve human rights violations, such as the use of excessive force, coercion, and the denial of due process, further exacerbating the vulnerability of sex workers.

Beyond the immediate physical dangers, the stigmatisation and discrimination that sex workers face from society at large contribute to a profound sense of isolation and alienation. The stigma attached to their profession marginalises them from mainstream societal support systems and networks, curtailing their access to essential services and opportunities for social

integration. This social exclusion compounds the challenges they face, eroding their sense of belonging and community.

The mental health implications of these systemic and societal pressures on sex workers are profound and multifaceted. The constant threat of legal action, coupled with societal ostracization, fosters an environment of chronic stress, anxiety, and fear. These psychological stressors can lead to a range of mental health issues, including depression, post-traumatic stress disorder (PTSD), and substance abuse, as sex workers navigate the complexities of their lives and work under the shadow of criminalisation and societal judgment.

Addressing these issues necessitates a holistic approach that considers the legal, social, and health dimensions of sex work. Legal reforms that decriminalise sex work and recognise it as a legitimate form of labour are essential to safeguarding the dignity and safety of sex workers. Such reforms should be complemented by societal efforts to combat stigma and discrimination, alongside the provision of comprehensive support services that address the unique mental and physical health needs of sex workers. Ensuring the well-being of sex workers requires a concerted effort to transform the legal and social landscape in which they operate, fostering an environment where their rights are respected, and their dignity upheld.

1.5 Socio-Economic Factors

The legal frameworks governing sex work often overlook the complex socio-economic factors that drive individuals towards this profession. Key among these factors are poverty, limited access to education, and pervasive gender inequality, which collectively create conditions that push people, especially women and marginalised communities, into sex work as a means of survival. The failure to consider these underlying causes results in laws that not only criminalise sex work but also exacerbate the vulnerabilities of those involved.

Poverty stands out as a primary driver, compelling individuals to enter sex work due to the lack of viable economic alternatives. In many cases, the immediate need for financial resources to support oneself and one's family outweighs the potential legal and social risks associated with sex work. Similarly, limited access to education restricts employment opportunities, leaving sex work as one of the few available options for earning a livelihood.

Gender inequality further compounds these issues, as societal norms and discriminatory practices often limit women's economic independence and decision-making power. In many contexts, women are disproportionately affected by poverty and have fewer opportunities for education and formal employment, making sex work a more prevalent option among female populations.

By failing to address these root causes, laws criminalising sex work not only neglect the socio-economic realities driving individuals into the industry but also contribute to the further marginalisation of already vulnerable groups. Instead of offering protection and support, such laws penalise individuals for circumstances often beyond their control, reinforcing cycles of poverty, discrimination, and inequality.

To mitigate the socio-economic factors leading to sex work, a more holistic approach is required—one that extends beyond the criminal justice system to encompass economic empowerment, educational opportunities, and gender equality initiatives. Legal reforms should be accompanied by social and economic policies that address the needs and rights of sex workers, recognising the complex interplay of factors that influence individuals' entry into sex work and providing them with viable alternatives and support systems.

The legal frameworks seldom address the underlying socio-economic factors that lead individuals into sex work, such as poverty, lack of education, and gender inequality. Without addressing these root causes, laws against sex work can further marginalise already vulnerable populations.

1.6 Lack of Legal Protection

The current legal frameworks surrounding sex work often leave sex workers without adequate protection against the numerous occupational hazards they face. This lack of legal protection is primarily due to the absence of formal recognition of sex work as legitimate labour, which results in sex workers being excluded from the labour rights and protections that are standard in other professions.

Without legal protections, sex workers are at an increased risk of violence from both clients and law enforcement officers. The criminalised status of their work means that sex workers have limited recourse to report such violence for fear of legal repercussions, leaving them vulnerable to abuse.

The illegality of sex work forces it into hidden, often unsafe environments. Without the ability to legally organise their workspaces or advocate for safer conditions, sex workers are left to navigate hazardous conditions without the occupational health and safety standards that protect workers in other industries.

The lack of legal recognition further exposes sex workers to exploitation and unfair labour practices, including wage theft, excessively long working hours, and lack of consent in work-related decisions. The absence of legal frameworks governing their work means there is little to no recourse for addressing such injustices and as such has birthed sexual exploitation.

Fundamental labour rights such as the right to organise, the right to collective bargaining, and the right to a safe and healthy work environment are often denied to sex workers due to the criminalised and stigmatised nature of their work. This exclusion from basic labour protections not only undermines their working conditions but also their dignity and worth as workers. The fact new laws keep springing up outlawing more and more aspects of sex work and third parties who would ideally advocate for sex workers rights and protections makes complex an already problematic situation.

Addressing these issues requires a re-evaluation of the legal status of sex work, moving towards decriminalisation and formal recognition as legitimate labour. Such a shift would enable the implementation of labour rights and protections for sex workers, akin to those

enjoyed by workers in other sectors. Legal recognition would provide a framework for addressing occupational hazards, ensuring fair labour practices, and safeguarding the health, safety, and dignity of sex workers.

1.7 Stigma and Social Exclusion

The current legal framework that criminalises sex work significantly contributes to and reinforces the social stigma associated with this profession. This stigma manifests in widespread discrimination and exclusion affecting virtually all aspects of sex workers' lives.

Sex workers often face challenges in securing stable and safe housing due to landlords' reluctance to rent to individuals associated with sex work especially with those in the LGBTIQ+ community where there is a law barring landlords from letting premises to individuals who identify as members of the LGBTIQ+ even where it is just a suspicion. This discrimination can lead to homelessness or force sex workers to live in unsafe or unstable conditions, further marginalising them from society.

Accessing banking and other financial services can be particularly challenging for sex workers, as the stigma attached to their profession leads to heightened scrutiny and discrimination. This can prevent them from obtaining loans, opening bank accounts, or accessing other financial services, thereby hindering their economic independence and security. This has since been extended to organisations which are incorporated to advocate for sex workers' rights which rather shows how far the stigma has gone.

The stigma surrounding sex work extends to various social services, where sex workers may encounter judgmental attitudes and discriminatory treatment from service providers. This can deter them from seeking essential services, including healthcare, legal aid, and social support, exacerbating their vulnerability and isolation.

The stigmatisation of sex work also has profound implications on family dynamics, particularly concerning custodial rights. There have been instances where the profession is used against sex workers in custody battles, with the stigma serving as a basis to question their fitness as parents, often leading to the unjust separation of mothers from their children.

The stigma associated with sex work also creates significant barriers to seeking justice. Sex workers who are victims of crime may hesitate to report these incidents to authorities due to fear of stigmatisation, disbelief, or further victimisation by the legal system. This impedes their access to justice and perpetuates a cycle of abuse and exploitation.

Addressing the stigma and social exclusion faced by sex workers requires a multifaceted approach that goes beyond legal reforms to include public education campaigns aimed at changing societal attitudes, training for service providers to ensure non-discriminatory services, and the implementation of policies that protect the rights and dignity of sex workers in all areas of life. By tackling the root causes of stigma, it is possible to create a more inclusive and equitable society where sex workers are recognised as deserving of the same respect, rights, and protections as any other individual.

1.8 Dealing with the impacts of the implementation of Sex Work Laws

One of the respondents simply stated that changing the name —prostitute would help. They contend that in addition to specifically applicable human rights, a law decriminalising sex work and erasing the descriptive term “prostitution” would go some way in addressing stigma and discrimination. They propose that a criminalised environment is filled with risks that can lead to harm, human rights abuses, increased vulnerability, and disempowerment; this results in a diminished quality of life and the internalisation of a negative self-image (—your life does not matter). They further argue that decriminalisation would offer a supportive environment based on a commitment to human rights; it would also reduce harm and improve the quality of life by affirming that the life of a prostitute does matter. simply put – empowerment.

Some respondents argue that decriminalisation would remove the stigma because sex workers would no longer be considered criminals and would be self-employed or able to work legally. However, an interview with one of the sex workers disclosed that although decriminalisation would significantly impact on destigmatisation, it would not, in their view, address attitudes of moral superiority and prejudice towards sex work. They argue that stigma and discrimination are the result of brainwashing people against prostitution.

They further argued that sex work and as commonly described as prostitution is widely misunderstood; often it is conceived as evil, immoral, and deviant, and sex workers are said to enter the industry because of their own promiscuous and that because of such misconceptions stigma and discrimination are widely manifested in the industry. Because of the stigma attached to sex work, sex workers are alienated by communities and become an easy target for sexual predators and violence.

The internalised stigma attached to sex work is also reported to cause sex workers to continue to operate illegally so that they can retain their anonymity.

1.9 Concerns about Public Health and HIV

In response to the question of how to address concerns about public health and HIV, one of the health practitioners submitted that the criminalisation of sex work has led to several undesirable outcomes it would create unhealthy living and working conditions for prostitutes, expose prostitutes to a high risk of physical violence, limit their access to health services, and increase the risk of HIV. Richter reports that prostitutes carry a high burden of HIV and STIs; a comparison between the prevalence of HIV and other STIs in the general population and the incidence rates among prostitutes and their clients shows a disproportionate burden of these infections among prostitutes and clients. She argues that the only way in which public health concerns about prostitution can be addressed – while safeguarding the human rights of prostitutes – is through non-criminalisation.

2 CONCLUSION AND RECOMMENDATIONS

Decriminalisation of Sex Work: The call for legal reform and the decriminalisation of sex work is gaining traction among a diverse group of stakeholders, including human rights advocates, healthcare professionals, and a growing number of policymakers. This consensus is rooted in the understanding that the current criminalisation of sex work contributes to a range of negative outcomes for sex workers, from increased health risks to vulnerability to violence and exploitation.

Legal reforms play a crucial role in transforming the landscape for sex workers and mitigating the risks they face, particularly regarding their health and safety. Decriminalisation stands out as a fundamental step in this process, aiming to dismantle the legal barriers that currently impede sex workers' access to essential services and protections.

1. By eliminating criminal penalties tied to sex work, decriminalisation significantly lowers the obstacles sex workers encounter when seeking healthcare services and legal assistance. This shift facilitates a safer, more open environment for sex workers to obtain HIV prevention and treatment services, as well as other healthcare needs, without the fear of legal repercussions.
2. A pivotal aspect of legal reforms is the acknowledgment of sex work as legitimate work. This recognition is vital for extending the same labour rights and protections to sex workers that are available to other sectors. Such rights would include, but not be limited to, the ability to form and join unions, negotiate working conditions, and access labour-related legal protections.
3. With the decriminalisation and formal recognition of sex work, efforts can be directed towards ensuring that sex workers operate in safe and healthy environments. This includes implementing occupational health and safety standards tailored to the unique aspects of sex work, thereby reducing the risks of violence, exploitation, and health hazards.
4. Legal reforms should also guarantee that sex workers can access healthcare services without facing discrimination or stigma from healthcare providers. This involves not only removing legal obstacles but also training healthcare workers to provide non-judgmental, sex worker-friendly services.

Rights-Based Approach: This research outlines the injustices faced by sex workers in the implementation of sex work listed as discrimination, limited access to financial, legal and health services, police brutality, and sexual violence. A rights-based approach involves recognising and prioritising the human rights of individuals engaged in sex work. This approach emphasises that all individuals, including sex workers, are entitled to fundamental rights and dignity, irrespective of their occupation. The fundamental rights would be; Recognition of Sex Work as Work: Non-Discrimination and Equality: Right to Health: Right to Privacy: Freedom from Arbitrary Arrest and Detention: Participation and Inclusion: Access to Justice:

Involvement of Sex Workers in Policy Making: Empowering sex workers to engage in policy-making and advocacy can drive significant legal and social changes. Platforms for sex workers to voice their needs and concerns should be established, ensuring their active participation in decisions that affect their lives and work. Sex workers should be at the forefront of designing, implementing, and evaluating HIV prevention and treatment programs. Their insights and experiences are invaluable in creating interventions that are relevant, effective, and respectful.

Community Sensitisation: Changing societal attitudes towards sex work is vital to reduce stigma and discrimination. Community sensitisation and education campaigns can help challenge myths and misconceptions about sex work, promoting a more empathetic and informed perspective. These programs should target the general public, healthcare providers, law enforcement officials, and policymakers, emphasising the human rights and dignity of sex workers.

Knowledge on sex work legislation: Given that laws affecting sex work remain in place, it's crucial to ensure that sex workers are well-informed about the legal landscape and the potential repercussions they face. While numerous studies and reports have documented the laws impacting sex workers, there's a significant gap between the availability of this information and its accessibility to sex workers themselves. Many may not have the opportunity to engage with these materials due to language barriers, literacy levels, or lack of access to the platforms where such information is disseminated.

This disconnect highlights the necessity of grassroots sensitisation efforts aimed at educating sex workers about the laws that govern their work and the sanctions they could encounter. These initiatives should be designed to overcome language and literacy barriers, perhaps through the use of local languages, visual aids, and community-based workshops that provide a more interactive and engaging way to convey this critical information.

Sensitisation on Sex worker rights: sensitisation efforts should not only focus on the legalities but also encompass the rights of sex workers. Understanding their legal rights within the current frameworks can empower sex workers to navigate their work more safely and advocate for their rights more effectively. This could include information on how to seek legal recourse in cases of rights violations, how to access health and social services without discrimination, and how to engage with law enforcement in safer ways.

For these sensitisation campaigns to be effective, they should be led by or involve organisations that have established trust within sex worker communities. Collaborating with local sex worker groups and advocates can ensure that the information is relevant, culturally sensitive, and delivered in a manner that resonates with the community. Additionally, involving sex workers in the design and delivery of these programs can enhance their effectiveness and ensure they address the most pressing needs and concerns of the community.

Training of law enforcement: There is need for comprehensive training for law enforcement agencies to sensitively interact with social workers with focus on human rights, non-discrimination, and safety from harm.

Collaborations with health agencies: Collaboration with other Organisations shall ensure that sex workers have unimpeded access to healthcare, counselling, and support services without fear of legal repercussions. The collaborations shall also include addressing stigma and discrimination of sex workers within healthcare systems while ensuring that the privacy of sex workers is maintained within the health sector.

Future Studies: Given the constraints encountered in this study, particularly regarding resource availability, it is advisable to pursue subsequent research that encompasses a more expansive sample size. Such an investigation would enable a more comprehensive and thorough exploration of the subject matter, potentially yielding insights that could further elucidate the complexities surrounding the impact of sex work laws on sex workers and their broader social networks. Future studies, with enhanced scope and depth, hold the promise of contributing significantly to the body of knowledge in this domain, thereby informing policy reforms and interventions aimed at mitigating the challenges faced by this marginalised community.

In summary, there's a clear need for targeted, accessible, and community-driven sensitisation programs that educate sex workers about the legal environment affecting their work and their rights within this context. Such initiatives are essential for empowering sex workers, reducing their vulnerability to legal sanctions, and fostering a more informed and resilient community.