

A COLLECTIVE POSITION

of STAR – the First Sex Workers' Collective in the Balkans with regard to the legal regulation of sex work in the Republic of North Macedonia

adopted in Skopje, on March 3rd 2022



THE FIRST SEX WORKERS
COLLECTIVE IN THE BALKANS



Despite all our efforts thus far, in terms of improving the social context in which we live and work voluntarily as sex workers in the Republic of North Macedonia, and despite the 15-year struggle to protect our fundamental human rights, we are still faced with numerous problems and remain one of the most vulnerable communities within our society.

We are continually subjected to **intersectional discrimination and public judgment, which remain unsanctioned** and largely contribute to widespread hate speech, and frequent instances of violence perpetrated by police officials, our service users, our partners and members of our families. Nevertheless, cases of our rights violations are most commonly undocumented and unprocessed due to the lack of functionality within the legal system, which generates high levels of distrust in the institutions, in addition to the already existing stigma and public judgment related to our work.

Unfortunately, in the Republic of North Macedonia conservative and obsolete social values regarding sexuality and the autonomy of the human body still exist, which emboldens the state to restrict our corporal integrity, by which the gap of **gender inequality** becomes ever so wider. Additionally, the laws do not recognize our profession and deprive us of our constitutional right to choose a profession freely and being entitled to protection in the workplace, which inevitably leads to **social and economic vulnerability** in many members of our community.

We view voluntary sex work as a contractual act in which the buyer and the seller voluntarily consent to a commercial exchange of sexual services, in accordance with the definition and understanding adopted by the United Nations. This clearly makes a distinction between voluntary sex work and human trafficking with the purpose of sexual abuse. In cases of human trafficking, the service providers are victims and offer sexual services by coercion, under threat, deceit and against their will, which is a serious violation of all fundamental human rights and as such must be severely sanctioned¹.

Nonetheless, the current policies and legal framework fail to recognize voluntary sex work, by which we are thoroughly **excluded from the legal and social welfare system**, we are deprived of our right to freely earn for our livelihood, and we are pushed to a complete social marginalization alongside with our families. At this given time the only legal protection is provided in the Prevention and Protection of Violence Against Women Law, in which female sex workers are explicitly recognized as a vulnerable category², as well as the protection of sexual and reproductive health in female, male and transgender sex workers via the Programs for Prevention of the Population Against the HIV Infection in the Republic of North Macedonia³ stemming from the national HIV strategies.

In order to be able to actively contribute to the processes of creating policies and practices that target sex work specifically, we have carried out consultations among our community, at which we overviewed three major models for sex work regulation.

The Nordic Model – Criminalization of sexual services demand. According to this model, sex work is seemingly decriminalized, however the purchase of sexual services, as well as all other activities

¹ [Annex 3: Differentiating sex work and trafficking, UNAIDS guidance note on HIV and sex work, 2012](#)

² Prevention and Protection of Violence Against Women Law, the Gazette of the RNM, No. 24 on 29th January 2021

³ Program for Prevention of the Population Against the HIV Infection in the Republic of North Macedonia for 2021, the Gazette of RNM, No. 8 on 12th January 2021.

related to sex work such as mediation, association and aiding and abetting are criminalized and are viewed as acts of crime.

Sex Work Legalization Model – A model by which the state regulates the manner in which sex work is organized via laws and introducing rules regarding the manner, time and place sex work takes place, as well as other limitations for sex workers, managers and clients.

Decriminalization and De-Penalization Model – Abolishing all provisions in the existing laws that sanction all individuals of age and activities related to voluntary sex work by means of introducing legal framework in which the human rights of sex workers are guaranteed, health, personal and workplace safety are promoted, as well as providing protection against exploitation.

None of our respondents who are sex workers supports the Nordic Model due to the fact that there is no relevant evidence that suggests the sexual service demand is reduced in places where such model is introduced, and additionally it entails working in dangerous and unacceptable circumstances. 16% of the respondents believe that the sex work legalization model could be functional only if sex workers are directly involved in the regulatory processes, including those who are indirectly involved in the voluntary sex industry.

In the research conducted by our partners and supporters in 2017, 70% of the respondents who are sex workers do agree to allocate a part of their earnings to pay taxes to the state should sex work be legally permitted, and by which they would be entitled to healthcare insurance and a pension plan⁴.

Upon the consultation that we carried out, the decriminalization and de-penalization model is unanimously selected as the most appropriate model that leads to legal recognition of sex work as work and entitles sex workers to the rights and freedoms provided in the Constitution and the legislature in the Republic of North Macedonia.

Having the sex workers community's viewpoints into consideration, as well as the recommendations by the United Nations for decriminalizing voluntary sex work and the activities that stem from it⁵, we advocate for legal regulation that would protect sex workers' human rights and minimize discrimination, stigma, public judgment and prejudice.

*Consequently to the foregoing, we, sex workers members in STAR – the First Sex Workers' Collective in the Balkans have taken a collective position that **voluntary sex work should be decriminalized and de-penalized by means of amending or abolishing provisions in all laws that sanction persons of age and activities regarding voluntary sex work** (Article 19 of the Public Law and Order Law and Article 119 of the Criminal Code). Voluntary sex work should be dealt with by means of public health policies, the existing valid labor regulations and all other positive legal norms for protection, respect and development of human rights in the Republic of North Macedonia.*



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⁴ Boshkova, Natasha and Hajdi Shterjova-Simonovikj. Analysis of Sex Workers' Viewpoints Regarding the Need to Change the SexLegal Regulation in Macedonia, 2017

⁵ [Annex1: The legal and policy environment and the rights of sex workers, UNAIDS guidance note on HIV and sex work, 2012](#)