12th November 2026

Constitutional Court of Belgium

PRESS RELEASE
JUDGMENT 126/2026

The Court dismisses the action for annulment of the Act of 3 May 2024 establishing a legal framework for sex work under an employment contract

A Federal Act adopted on 3 May 2024 establishes a legal framework for the exercise of sex work under an employment contract and provides sex workers with full social security protection. Sex workers may be employed only by accredited employers, who do not commit the offence of procuring provided that they comply with the conditions set out in that Act. Nine organisations whose objectives include upholding women's rights seek the annulment of the Act.

The Court holds that organising the prostitution of consenting persons under this specific employment contract is not *per se* incompatible with human dignity and bodily integrity. In this regard, the Court takes into account not only the numerous safeguards this Act provides for sex workers, notably as regards their working conditions and the protection of their right to give or withhold consent, but also the criminal offences that continue to apply outside the scope of the Act. The Court further rules that the non-criminalisation of employers accredited for sex work does not breach the Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Given the rights and safeguards that the legislature has put in place for sex workers, the Court also holds that the Act does not curtail the economic and social rights relied upon by the Applicants. Finally, the legislature was entitled to take the view that decriminalising voluntary sex work does not undermine efforts to combat the exploitation of women. The Court therefore dismisses the action.

1. Background of the case

The Federal Act adopted on 3 May 2024 establishes a legal framework whereby sex workers are granted full access to labour law and social security protection. The legislature aims to combat abuse of prostitution and human trafficking more effectively while providing sex workers with better protection.

Sex work under an employment contract is permitted only subject to stringent conditions. Sex workers may be hired only by accredited employers, who must also fulfil a series of requirements, notably as regards working conditions. Only adults may be employed as sex workers. They may not at any time be compelled to engage in prostitution and are entitled at any moment to turn down a client or refuse certain sexual acts, to discontinue the activity and to set their own terms, without having to state a reason. Where these conditions are met, an employer hiring sex workers under such an employment contract does not commit the offence of procuring, which entails organising the prostitution of others for profit. The legislature has retained other offences, such as human trafficking and human smuggling, advertising prostitution, inciting prostitution and deriving an abnormal advantage from the prostitution of

another person. New, specific offences have also been enacted, such as the employment of minors.

Nine organisations whose objectives include upholding women's rights have introduced an action for the annulment of this Act. In the course of the proceedings, thirty-six organisations campaigning for sex workers' rights, human rights (fundamental rights of women, migrants and transgender people), social justice and health promotion intervened in support of the Act's compliance with the Belgian Constitution.

2. Review by the Court

2.1. Human dignity and bodily integrity (B.11-B.20)

The Applicants first submit that prostitution under an employment contract is in and of itself incompatible with human dignity and bodily integrity.

The Court finds that whether organising the prostitution of others under an employment contract is compatible with human dignity and bodily integrity is primarily an ethical issue for the legislature to decide. On that score, the European Court of Human Rights acknowledges that, as there is no consensus on the matter in Europe, States enjoy a wide margin of appreciation when regulating prostitution. Nevertheless, the legislature is bound to provide effective safeguards to prevent abuse.

The Court recalls that prostitution is incompatible with human dignity whenever coercion is at play. In that regard, the legislature has fully retained the criminal framework governing forced prostitution. Furthermore, it remains a criminal offence for accredited employers to derive any abnormal advantage from organising the prostitution of others. In addition, sex workers' right to turn down any client or sexual act, their right to self-determination, the prior accreditation of employers and the sanctions laid down in the Belgian Social Criminal Code are specifically aimed at preventing and combating violence, exploitation and coercion. Accordingly, **the organisation of the prostitution of consenting persons under such a specific employment contract is not *per se* incompatible with human dignity and bodily integrity**. It is then for the competent court to ensure that the Act be complied with.

2.2. The Convention of 2 December 1949 (B.21-B.27)

The Applicants also contend that the Act violates the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others adopted on 2 December 1949, which prohibits the exploitation of the prostitution of others and requires the Contracting States to criminalise procuring.

In accordance with the interpretation rules set out in the Vienna Convention on the Law of Treaties of 23 May 1969, the Court notes that the object and purpose of the Convention of 2 December 1949 are to combat human trafficking as well as the exploitation of the prostitution of others, which is inextricably linked thereto. While the preamble deems any and all forms of prostitution incompatible with human dignity, the meaning of these terms has been clarified and updated in subsequent legal instruments (notably the Protocol to Prevent, Suppress and Punish Trafficking in Persons of 15 November 2000, supplementing the United Nations Convention against Transnational Organized Crime). The Court finds that acts of exploitation of the prostitution of others referred to in Articles 1 and 2 of the Convention of 2 December 1949 must be criminalised where they are carried out with the intent (the so-called "special intent") to exploit the prostitution of another person, irrespective of the latter's consent. Such acts do

remain punishable as constituting abuse of prostitution and human trafficking (Articles 258 to 272 of the Belgian Criminal Code). The Court rules that, **given the safeguards provided to sex workers, the non-criminalisation of an accredited employer hiring them in accordance with the law does not violate the Convention of 2 December 1949**.

2.3. Right to work and right to fair and decent working conditions (B.28-B.31)

The Applicants also submit that the establishment of a legal framework allowing sex work under an employment contract infringes upon the right to work and the right to fair and decent working conditions.

The Court reiterates that Article 23 of the Belgian Constitution imposes a standstill obligation: the legislature may not significantly reduce the level of protection afforded by the applicable legislation regarding economic and social rights without reasonable justification. The Court points to the fact that the Act of 3 May 2024 grants sex workers the full benefit of labour law and social security protection, provides for stringent accreditation requirements and additional safeguards, and enshrines sex workers' rights to self-determination and consent as absolute, while allowing them to terminate their employment contract without incurring any financial fallout. The Court therefore concludes that **the Act of 3 May 2024 does not significantly reduce the level of protection of the economic and social rights relied upon**.

2.4. Principle of equality between men and women (B.32-B.34)

Finally, the Applicants submit that the impugned law perpetuates and intensifies exploitation and oppression rooted in structural gender-based discrimination.

The Court notes that while the impugned law applies to all sex workers, regardless of gender or gender identity, it is generally accepted that an overwhelming majority of them are women. The Court emphasises that the legislature seeks to strengthen sex workers' rights and to combat human trafficking and the exploitation of the prostitution of others more effectively. In this endeavour, the specific nature of sex work and its associated risks have been duly taken into account. In view of the growing international consensus on that approach, the Court holds that **the legislature was entitled to take the view that decriminalising voluntary sex work does not undermine efforts to combat the exploitation of women**, since other criminal provisions remain applicable in such cases.

3. Conclusion

In view of the safeguards provided for by the legislature, the Court dismisses the action.

The Belgian Constitutional Court is responsible for ensuring that the various legislatures in Belgium uphold fundamental rights and comply with the rules on the distribution of competences.

This press release was drafted by the Court's Media Unit and is not binding on the Court. It summarises the essential aspects of the judgment, the full text of which is available on the Court's website.

Press contact : Tim Souverijns | 02/500.12.21 | Thomas Leys | 02/500.12.60 | Martin Vrancken | 02/500.12.87 | Romain Vanderbeck | 02/500.13.28

Follow the Court on LinkedIn