

# DIVERSE, RESILIENT, POWERFUL

## INTERSECTIONAL ACTIVISM TOOLKIT

### FOR SEX WORKERS AND ALLIES



March 2018

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## ICRSE

The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing more than 90 organisations led by or working with sex workers in Europe and Central Asia, as well as 150 individuals including sex workers, academics, trade unionists, human-rights advocates, and women's rights and LGBT rights activists. ICRSE opposes the criminalisation of sex work and calls for the removal of all punitive laws and regulations regarding and related to sex work as a necessary step to ensure that governments uphold the human rights of sex workers. As long as sex work is criminalised – directly or indirectly through laws and practices targeting sex workers, clients, or third parties – sex workers will be at increased risk of violence (including police violence), arrests, blackmail, deportations and other human rights violations.

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# INTRODUCTION

## INTERSECTIONAL ACTIVISM

The struggle for sex workers' rights intersects with the fight of other social groups who have been historically marginalised and oppressed. Contrary to the abolitionist feminist discourse, which portrays all sex workers as 'prostituted women' without agency in need of rescue, our communities are diverse and resilient. Sex workers are male, female and non-binary, mothers, LGBTQ, migrants and workers. Supporting sex workers' rights means understanding the diversity and complexity of our lives and involving sex workers from diverse communities in discussions, decision and policy-making.

This toolkit, based on ICRSE's five Intersection Briefing Papers published between 2015 and 2017,<sup>1</sup> aims to help sex workers explore the intersections of sex workers' rights with other rights such as those connected with LGBTQ people, women, workers, migrants and health and raise awareness of our common struggles. We hope that this resource will serve as a tool to increase solidarity within sex worker and other marginalised communities and contribute to equipping sex workers and activists in other social justice and human rights movements with knowledge on the powerful ways of advocating for sex workers' rights across various contexts.

1 You will find the links to the the Briefing Papers under *Resources* in each section of this Toolkit.

## A GLOBAL DEMAND: DECRIMINALISE SEX WORK!

Although the fight for sex workers' rights is a complex domain and is embedded in local specificities and priorities, the overwhelming majority of sex worker organisations across the world support one key legal demand: the decriminalisation of sex work. The decriminalisation model was introduced in New Zealand in 2003 and ever since has been proven to be the best legal framework to advance sex workers' rights.

Debates amongst feminists, sex workers, researchers and policy makers all over the globe focus on the harms and benefits associated with various legal frameworks put in place to regulate sex work. The following infographic briefly summarises what ideologies drive the most common legal models and what consequences they have on sex workers' living and working conditions. Although the global movement calls for decriminalisation of sex work, there is a common agreement that a single legal instrument is not sufficient to address the complex set of rights violations and oppression sex workers face and to eliminate xenophobia and anti-migration policies, homo- and transphobia, poverty, social exclusion, and gender inequalities, realities present in our communities. Decriminalisation is thus regarded as a first crucial step to help remove stigma surrounding sex work and reduce violence against sex workers.

# SEX WORK LEGAL FRAMEWORKS



## PROHIBITION<sup>1</sup>

### IDEOLOGY:

sex work and sex workers are immoral, sex workers are the vectors of HIV and other diseases and pose a threat to society



Albania, Armenia, Slovenia, Russia, Ukraine



### CONSEQUENCES:

- sex workers and their workplaces are targeted by police raids, sex workers might be forced to undergo testing for HIV, STIs, Hepatitis B and C, the results of which might be made public
- sex workers cannot access justice mechanisms since the police is one of their main assailants
- according to a report from Central-Eastern Europe and Central Asia, more than 40 % of sex workers experienced physical abuse from police in the year prior to the survey<sup>2</sup>
- police regard condoms carried by sex workers as evidence thus sex workers are reluctant to have them when they work
- in Eastern Europe, most new HIV infections occur amongst key affected populations, including sex workers, people who inject drugs and men who have sex with men<sup>3</sup>



## SWEDISH MODEL

### IDEOLOGY:

sex workers are victims of patriarchy and violence against women committed by men



Sweden, Norway, Iceland, Northern Ireland (UK), Ireland, France



### CONSEQUENCES:

- the volume of sex work has not decreased: according to the Swedish Police, the number of Thai massage parlours suspected of offering sexual services has tripled in 3 years<sup>4</sup>
- according to a study, half of the sex worker survey participants had less trust in social services and police after the introduction of the law, which prevents them from reporting violent cases to law enforcement<sup>5</sup>
- street-based sex workers face higher levels of competition, decreasing prices and worse working conditions, thus often need to rely more on aggressive clients and third parties and providing sexual services without condom use
- although sex work is not prohibited on paper, municipal by-laws and/or actions targeting clients lead to arrest and deportation of undocumented migrant sex workers<sup>6</sup>
- stigma and discriminatory attitudes are on the rise: according to a 2015 survey, more people think that sex work and sex workers themselves should be criminalised: 52 % had this view in 2015 as opposed to 30 % before the introduction of the law<sup>7</sup>

<sup>1</sup>See more on sex work legal frameworks

International Committee on the Rights of Sex Workers in Europe (ICRSE) (2015).

Nothing about us without us! Ten years of sex workers' rights activism. Available at: <http://bit.ly/icrse01>

Global Network of Sex Work Projects (2014). Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms. Available at: <http://bit.ly/icrse02>

<sup>2</sup>Sex Workers' Rights Advocacy Network (SWAN) (2009). Arrest the Violence: Human Rights Abuses against Sex Workers in Central and Eastern Europe and Central Asia. Available at <http://bit.ly/icrse03>

<sup>3</sup>AVERT. HIV and AIDS in Eastern Europe and Central Asia. Available at: <http://bit.ly/icrse03>

<sup>4</sup>Swedish National Police Board (2012). Trafficking in human beings for sexual and other purposes. Situation report 13ing\_report\_13. Available at: <http://bit.ly/icrse04>



## LEGALISATION

### IDEOLOGY:

sex work and sex workers need to be meticulously controlled and repressed by the state

### STRICT REGULATION MANIFESTS ITSELF IN

#### VARIOUS FORMS:

registration of sex workers;  
limitation on the number,  
location, operational criteria of  
sex work venues;  
conditions imposed on who can  
work as a sex worker, such as  
mandatory medical examinations

- Germany, Netherlands, Switzerland, Hungary, Greece, Turkey

### CONSEQUENCES:

- two-tiered system: only a fraction of sex workers and sex work businesses are able to comply with the restrictive regulations
- those sex workers who cannot comply face fines and punishment
- in Turkey and Greece, only work in indoor venues is legal and sex workers are only allowed to work if they are unmarried; in Turkey sex workers' gender marker must be female which results in the legal exclusion of the majority of trans women
- in Hungary, street-based sex workers can only solicit in so called 'tolerance zones' or areas outside of 'protected zones'
- in the Netherlands, several municipalities have attempted to introduce compulsory registration of sex workers in recent years
- in Germany, according to a new law introduced in 2017, sex workers need to register at designated authorities that will determine whether they can receive their licence<sup>8</sup>



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## DECriminalisation

### IDEOLOGY:

sex work is legally recognised as work and treated as other service sectors, sex workers are entitled to labour rights

- New Zealand



### CONSEQUENCES:<sup>9</sup>

- no increase in the number of sex workers or persons trafficked in the sex industry
- 90 % of surveyed sex workers thought that the new model had improved their ability to enforce their labour rights and their access to health and safety
- 57 % of surveyed sex workers thought police attitudes had improved since decriminalisation
- 64 % of surveyed sex workers thought it had become simpler to refuse clients, this rate was 37 % before decriminalisation
- more sex workers report having regular health check ups and revealing their sex work status during doctor visits
- according to Lancet, a leading medical journal, decriminalisation would avert 33–46% of HIV infections in the next decade<sup>10</sup>

<sup>5</sup> Swedish Association for Sexuality Education (2010). Remissvar ang SOU 2010:49, Förbud mot köp av sexuell tjänst. Available at: <http://bit.ly/icrse05>

<sup>6</sup> Global Network of Sex Work Projects (2015). Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers. Available at: <http://bit.ly/icrse06>

<sup>7</sup> <http://bit.ly/icrse07>

<sup>8</sup> <http://bit.ly/icrse08>

<sup>9</sup> Department of Public Health and General Practice, University of Otago, Christchurch (2007).

The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Available at: <http://bit.ly/icrse09>

<sup>10</sup> <http://bit.ly/icrse10>

# PART 1 - SEX WORKERS' RIGHTS ARE WOMEN'S RIGHTS

## 1. WHY ARE SEX WORKERS' RIGHTS WOMEN'S RIGHTS ISSUES?

2 Cis(gender) is a term for people whose gender identity matches the sex that they were assigned at birth.

3 Trans(gender) is a term for people whose gender identity does not match the sex that they were assigned at birth.

4 Undocumented migrants are people who enter and stay in a country, usually in search of employment, without the necessary documents and permits. See more on migration in Part 3.

5 Gender pay gap is the difference between the amounts of wages/salaries people belonging to different genders are paid, often in the same positions.

6 Gender minorities are communities of people who diverge from gender norms. From the local to the global, how these communities are defined can depend on the context of what is the gender norm of that particular community.

7 SWERFs are sex worker exclusionary radical feminists, an often loosely organised anti-sex work sub-group of radical feminism. SWERF often overlaps with TERF, trans exclusionary radical feminism.

Cisgender<sup>2</sup> women make up the majority of sex worker communities in most contexts globally and in Europe and Central Asia. The reasons for this are various. Some might decide to work in the sex industry because it allows for more flexible working hours and gives them greater control over their working conditions than other jobs, which are often important factors for mothers or women with caring responsibilities whose needs are not met in the mainstream labour market. Others choose sex work because they find it financially rewarding as compared with other professions that are paying smaller wages for women and trans<sup>3</sup> people than cisgender men. For other sex workers again, it may be the most acceptable of very few options available to them as (undocumented) migrants<sup>4</sup>, women of minority status, trans women, or with disabilities. Entry requirements in sex work are usually low in terms of capital and professional qualifications and skills needed for the job are often acquired outside of formal education, which makes it relatively easy to start sex work.

Sex work is very much connected to female poverty and women's situation in the labour market. For instance, it has been shown that in times of economic crisis and austerity in many European countries, an increasing number of women engage in sex work. Many of them had worked before in professions that are traditionally viewed as feminine and thus underpaid and exploitative, such as teaching, nursing or caring occupations and domestic work. Austerity measures impact women disproportionately, especially women of colour, disabled women, trans women, or any other sub-groups of women traditionally marginalised in a society.

Sex work therefore intersects with many other social issues that impact women, such as the gender pay gap,<sup>5</sup> social benefits for women, childcare support, education exclusion and segregation, minority rights, the situation of asylum-seekers, refugees and migrants and homo- and transphobia.

## 2. THE FEMINIST IDEALS OF SEX WORK ACTIVISM

Discrimination and violence against sex workers can only be understood as part of patriarchy, a wider system of oppression of women and gender minorities.<sup>6</sup> Whilst a part of the women's rights movement excludes sex workers,<sup>7</sup> many feminists and women's rights organisations do support sex workers' rights. Only by working collectively with the women's rights movement, can sex workers hope to end violence and exclusion against their communities.

The sex worker movement globally fights for countering the abolitionist feminist argument that sex work is inherently abusive and harmful. Sex workers and their collectives all around the world challenge the view on sex workers as passive victims and show resilience and ability to organise for their rights, even from marginalised positions. Their position is based on sex workers' ability to claim consent to sell sex, though they also emphasise that many choose sex work from the limited opportunities they are presented by a capitalist and patriarchal society.

Contrary to the abolitionist depiction of sex workers as occupying a submissive role by surrendering themselves to men's dominance, sex workers challenge gender expectations in various ways. They occupy public and nocturnal spaces and defy the idea that women should not stay out at night without being accompanied by a man. In addition, sex workers also demand compensation for something that is traditionally imposed on women as both emotional labour<sup>8</sup> and a "natural function" in heterosexual sex taking place within marriage and for reproduction.

<sup>8</sup> Emotional labour is unpaid and unacknowledged emotional services provided by women and other people that society labels "feminine", usually for men, e.g. caring responsibilities in the family.

Sex workers' rights activists state that voluntary sex work does not fundamentally, always, and already involve violence. Instead they point to the ways in which sex workers are exposed to real, concrete physical and sexual violence due to criminalisation and intersecting oppressions such as sexism, whorephobia, homophobia, transphobia, racism and classism. They propose the decriminalisation of sex work as it protects sex workers' safety, health and wellbeing, while the criminalisation of sex workers, clients and third parties tends to harm them. Criminalisation, of any part of the sex industry tends to push sex workers into poverty, reduce their power in negotiations with clients, persecute them for working together (for safety), and lead to police surveillance and the deportation of undocumented migrant sex workers.

### 3. KEY FACTS

- **Estimates indicate that in some Western-European countries, migrant women, often in irregular situations without valid residence and work permits, constitute a significant portion, if not the majority, of sex workers.**
- **The majority of female sex workers are mothers, often single mothers, in many contexts. For instance, according to the Argentine Prostitutes' Association (Ammar), 86% of sex workers are single mothers in the country. In the United Kingdom, estimates suggest that 70 % of sex working women are single mothers.**
- **Trans women are often excluded from engaging legally in sex work. For instance, in Turkey, only those with ID cards containing female gender marker can work in brothels. Most trans women cannot access changing their official documents and thus have to work on the street where they face enormous levels of violence.**



## 4. WHAT CAN YOU DO?

Female sex workers organise against silencing, oppression and violence in all corners of the world. They use different strategies to address the most burning issues affecting their communities, such as providing immediate help for each other when someone faces a violent or crisis situation, making alliances with other movements, such as joining protests against the detention or deportation of migrants, or creating strong community-led feminist organisations that can influence policies.

### EXAMPLES:

- **Self-defence classes:** many organisations run self-defence classes for sex workers so that they can defend themselves better in violent situations.
- **Sex worker breakfasts:** in London, the United Kingdom, the Sex Worker Advocacy and Resistance Movement offers free tea, coffee and breakfast snacks in a confidential and welcoming space for sex workers.
- **Campaigning for the safety of mothers:** the English Collective of Prostitutes (ECP) launched a social media campaign demanding decriminalisation of sex workers called 'Make Mum Safer': <http://makemumsafer.com/>
- **Protests:** sex workers and their organisations come up with creative protests, such as Legalife in Ukraine. They organised a march to send the message that sex work is work, wearing hard hats, masks, "certificates of sex workers" as well as some elements of their professional workwear.
- **Turning to the UN:** SZEXE, the Hungarian sex work organisation, after seeing that the governments are not addressing violations against sex workers, turned to the United Nations and its CEDAW Committee focusing on women's rights to demand safe working conditions for sex workers. The Committee requested the government to follow this recommendation and implement appropriate measures.
- **Speaking at women's rights events:** in 2018, many sex worker activists in the United States have fought to be given speaking time at Women's Marches across the country.

## 5. RESOURCES:

Feminist Manifesto in Support of Sex Workers' Rights: <https://feministsforsexworkers.com> (available in 14 languages)

ICRSE, Feminism Needs Sex Workers, Sex Workers Need Feminism: Towards a Sex-Worker Inclusive Women's Rights Movement. Briefing Paper (2016): <http://www.sexworkeurope.org/node/feminism-needs-sex-workers-sex-workers-need-feminism-sex-worker-inclusive-womens-rights>

Refinery29, 10 Reasons Decriminalizing Sex Work Is A Feminist Issue (2017): <http://www.refinery29.com/2016/09/122922/should-prostitution-be-legal-sex-work-feminism>

Tilly Lawless at TEDxYouth@Sydney, Sex work is integral to the feminist movement (2017): [https://youtu.be/hi\\_OwpNndo8](https://youtu.be/hi_OwpNndo8)

## PART 2 - SEX WORKERS' RIGHTS ARE LGBTQ RIGHTS

9 The term LGBTQ stands for lesbian, gay, bisexual, trans(gender), and queer people.

10 Homo-and transphobia encompass a range of negative attitudes and feelings toward people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT).

### 1. WHY ARE SEX WORKERS' RIGHTS LGBTQ RIGHTS ISSUES?

In Europe and Central Asia, a significant number of LGBTQ people are sex workers, particularly trans people and men who have sex with men. Reasons why LGBTQ people engage in sex work are varied: many do because of homo- and transphobia<sup>10</sup> which negatively impact their access to education and employment and expose them to family rejection, poverty and homelessness, or because of the possibility of better income and more flexibility in sex work than in other sectors. For many of LGBTQ sex workers, sex work also offers a sense of community, which might not exist in other employment. Many LGBTQ people from low or middle-income countries furthermore travel or migrate to European countries in order to make better lives for themselves and flee homophobic and transphobic violence.

However, LGBTQ sex workers' lives and voices are often ignored and invisibilised in public debates which defines all prostitution as violence against women. This systematic invisibilisation and silencing of LGBTQ sex workers' needs and demands stems from and reinforces stigma and exclusion against these communities.

### 2. THE INTERSECTIONS OF LGBTQ AND SEX WORKER DEMANDS

Sex workers have always been part of the LGBTQ community. It was trans women of colour, sex workers themselves who started the Stonewall riots in the United States which led to huge social changes for LGBTQ people globally and to modern Pride events and marches. However, this history is often forgotten and LGBTQ sex workers are often excluded from the wider LGBTQ community.

Stigmatisation and discrimination of sex workers are very similar to what LGBTQ people have experienced or continue to experience in many countries: LGBTQ people are refused the right to self-determination, bodily autonomy, and access to stigma-free healthcare and support. Similar ideological propaganda - defining all LGBTQ people as 'mentally ill', 'victims of child sexual abuse', a 'threat to family values', or just plain evil - are used against both communities by conservative forces, often supported and funded by religious organisations.

### 3. KEY FACTS

- An estimated 6% of all sex workers in Europe are transgender and 7% are cisgender men. However, these figures could be higher as there are very few projects working with these groups. Additionally, trans sex workers are often included in 'male sex worker' estimates.
- There is very little data available on the number of female sex workers identifying as lesbians, bisexuals or of other non-heterosexual sexual orientations.
- According to Transgender Europe, a trans network organisation, amongst the more than 2600 trans people reported murdered between 2008 and 2017, more than 60% of those whose profession was known were sex workers.
- Discrimination against LGBTQ sex workers in medical settings, such as clinics and hospitals and lack of non-judgemental services often lead to lower health outcomes. However, data on trans and male sex workers' mental and physical health is often missing or incomplete from research.
- HIV prevalence rates among male and transgender sex workers appear to be even higher than among cisgender female sex workers.

### 4. WHAT CAN YOU DO?

There are many sex worker groups in Europe and Central Asia, working on the local or international level, who have spoken up consistently against the exclusion of trans and sex worker communities from the LGBTQ movement. They ask for the same rights as the LGBTQ community: the right to define their gender and sexuality themselves and being treated as any other citizen in education, employment and in other spheres of life.

#### EXAMPLES:

- **Protests:** in Turkey, many trans people, especially trans women work in the sex industry, often because they don't have access to other jobs. They created a powerful organisation, Red Umbrella, which provides legal aid, sexual education, peer support and regularly organises protests on International Women's Day and Labour Day.
- **Working with LGBTQ organisations:** ICRSE is a member of and works together with the International 'International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), a network of thousands of LGBTQ organisations, to introduce the concerns of LGBTQ sex workers and make it part of the LGBTQ movement's agenda.

- **Collective services:** Tais Plus, a sex worker organisation in Bishkek, Kyrgyzstan have teamed up with Labrys, an LGBTI advocacy group to provide community-based services to trans sex workers.
- **Challenging exclusion of sex workers from Prides and LGBTQ spaces:** In Budapest, Hungary, Pride Week organisers banned a previously accepted workshop on sex work from the Pride Week's program in 2016. They argued that the workshop presented a threat to Budapest Pride because it suggested that sex work can be a voluntary job while it is in fact an institution based on patriarchal oppression. The two groups, who came up with the idea to hold the workshop quickly mobilised their local and international allies, and organised a roundtable with international LGBTQ sex workers and made a short film about it: <https://youtu.be/B65FAQTEIDI>
- **Participation in Pride events:** Red Edition, a migrant sex worker collective in Vienna participated in the Pride March 2017, a first for the migrant sex worker community in the history of Vienna Pride marches. APROSEX from Spain also regularly attends LGBTQ events to highlight the concerns of LGBTQ sex workers, particularly migrant trans women.
- **Setting up services for LGBTQ sex workers:** STAR-STAR in Macedonia caters specifically for the needs of male and trans sex workers, as their health needs are often unmet by public and civil society services.

## 5. RESOURCES

ICRSE, Underserved. Overpoliced. Invisibilised. LGBT Sex Workers Do Matter. Briefing Paper (2015): <http://www.sexworkeurope.org/underserved-overpoliced-invisibilised-lgbt-sex-workers-do-matter>

SCOT-PEP, Sex worker rights are an LGBTQ issue: <http://www.scot-pep.org.uk/sites/default/files/1709.pdf>

Transgender Europe (TGEU), The vicious circle of violence: trans and gender-diverse people, migration, and sex work (2017): <http://transrespect.org/en/tvt-publication-series/> (available in English, Russian, Spanish, and Portuguese)

FRANCE24ENGLISH, Transsexual prostitutes in Paris face increasing violence (2017): <https://youtu.be/dj1cooYHkwU>

## PART 3 - SEX WORKERS' RIGHTS ARE MIGRANT RIGHTS

### 1. WHY ARE SEX WORKERS' RIGHTS MIGRANT RIGHTS ISSUES?

11 Migrants are those people who are moving or have moved across an international border or within a state away from their habitual place of residence.

12 Undocumented or irregular migrants are those migrants who, for various reasons, do not have a valid permit to stay in the country in which they live or work.

13 Asylum seekers are those who seek safety from persecution or serious harm in a country other than their own and await a decision on the application for refugee status under relevant international and national instruments.

14 Refugees are people who owing to a well-founded fear of persecution for reasons of race, religion, nationality, belonging to a particular social group or political opinions, are outside the country of their nationality and unable or unwilling to avail themselves of the protection of that country.

Estimates indicate that in some Western European countries, migrants,<sup>11</sup> often in irregular situations without resident and work permits,<sup>12</sup> constitute a significant portion, if not the majority, of sex workers. From the late 1970s, migration within the sex industry in Europe has involved mostly women from South Asian, Latin American and African countries. In the 1990s, after the dissolution of the Soviet Union, the most significant shift was the increased number of sex workers from Central and Eastern Europe migrating to Western European countries, and after the 2004 and 2007 EU enlargements, the same movement continued within the European Union.

A large number of migrant sex workers in Western European countries are non-EU citizens, primarily from Eastern Europe, the Balkans, Central Asia, Africa, Latin America, and Asian countries. Additionally, research in the recent years found that sex work has increasingly become common among asylum seekers<sup>13</sup> and refugees<sup>14</sup> fleeing to Europe from Africa, Western and South Asia, the Caucasus, and the Middle East.

Migrant sex workers in Europe and Central Asia often live and work in precarious and dangerous contexts. They are not only affected by the criminalisation of sex work, but also the harsh migration policies and repressive anti-trafficking measures. Furthermore, they often lack language skills, cannot rely on support networks, and are unable to access state benefits.

### 2. THE STRUGGLE FOR MIGRANTS' RIGHTS

The rising number of migrants to the European region has resulted in the adoption of stricter immigration policies, border controls and conditions of entry. Migrants are increasingly detained and deported and face criminal penalties for migration offences, such as irregularly entering and/or staying in a country. Irregular entry and stay are unlawful in all EU member states and member states are required to issue a return decision to any non-EU national in an irregular situation. They can be then detained for up to six months, which can be extended up to 18 months. Many EU member states continue to punish migrants for irregular entry or stay with imprisonment or high fines as well.

As a result, reporting crimes to the police or accessing health services might also involve detection by the police, therefore a lot of undocumented migrants face high levels of exploitation and violence as they are easy targets for criminals and abusive landlords and employers. The use of criminal law also targets employers

<sup>15</sup> Racial profiling means suspecting or targeting a person of a certain race based on a stereotype about their race, skin colour, ethnicity, rather than on individual suspicion.

and landlords as they can be punished with prison sentences or fines for 'facilitating' the entry or stay of undocumented migrants. The criminalisation of migration also brings about abusive detection practices, such as racial and ethnic profiling<sup>15</sup> of irregular migrants by the police, which has led to a significant level of distrust towards law enforcement by migrant communities.

### 3. KEY FACTS

- **Most of the immigration and sex work laws in Europe target migrant sex workers with deportation or push them into illegality by other means.**
- **When pushed into illegality or to the margins of the legal labour market, migrant sex workers are forced underground into hazardous and unfavourable work conditions.**
- **Undocumented migrant sex workers are not granted benefits such as sick leave, parental leave, accident compensations, pension benefits, or disability allowances.**
- **Due to the economic, legal and social exclusion migrant sex workers face, many of them decide to live together and share costs. This is often interpreted by police as a sign of trafficking.**
- **Even EU citizens can be deported when found out to be sex workers, as in many countries selling sex is not considered as legitimate employment. In the United Kingdom for instance, EU citizen sex workers have often received deportation papers giving them one month to leave the country, following anti-trafficking raids.**
- **In many European countries, including EU and non-EU states, access to public healthcare services depends on a person's citizenship status, residence permit or medical insurance. Undocumented migrant sex workers don't access healthcare as they fear being detected and deported.**

### 4. WHAT CAN YOU DO?

When advocating for migrant sex workers' rights, it is key to reach out to them, involve them and their communities, and gather knowledge on their situation and working conditions. These experiences should then be shared with key stakeholders, including migrant organisations, women's groups, human rights organisations, and state stakeholders.

## EXAMPLES:

- **Legal aid and counselling for migrant sex workers:** several organisations provide or work together with migrant organisations to help regularise the stay of migrant sex workers in the country. Others help sex workers abroad to prepare their health insurance and necessary documents, often in cooperation with the local sex worker or support group.
- **Multilingual information:** many groups provide leaflets and brochures in several languages on various topics, e.g. health prevention, sex work law, victim support services.
- **Engaging with media and authorities:** many sex worker organisations try to challenge the view that all sex work is trafficking. For instance, when Germany introduced a law that requires sex workers to register, sex worker groups used the opinion of the local Anti-Trafficking Office on how compulsory registration and counselling would impact (undocumented) sex workers, and used this in their advocacy against the law.
- **Language courses for migrant sex workers:** X:talk runs free English language courses for migrant sex workers in London.
- **Outreach to and research on the experiences of refugee sex workers:** Red Umbrella, Turkey in 2016-2017 visited many refugee camps in Turkey to learn about the experiences of Syrian sex workers and presented the results to authorities and civil society. See the publication here: <http://www.sexworkeurope.org/news/general-news/publication-first-report-syrian-refugees-sex-workers-turkey>
- **Community empowerment:** Acceptess-T from Paris, France works with (migrant) trans sex workers and involves them in their highly visible protests, but also organises community events, such as swimming.

## 5. RESOURCES

ICRSE, Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia (2016): <http://www.sexworkeurope.org/news/general-news/resource-surveilled-exploited-deported-rights-violations-against-migrant-sex>

PICUM, Words Matter, document on terminology when referring to undocumented migrants: <http://picum.org/words-matter/>

Migrant sex workers speak up: <https://youtu.be/SVSxByxPqxE>

Equal Times, "Don't criminalise us, protect us," say Europe's migrant sex workers (2016): <https://www.equaltimes.org/don-t-criminalise-us-protect-us?lang=en#.WntB2-eYM2w>

## **PART 4 - SEX WORKERS' RIGHTS ARE LABOUR RIGHTS**

### **1. WHY ARE SEX WORKERS' RIGHTS LABOUR RIGHTS ISSUES?**

Sex work is work, a form of livelihood and economic activity. Sex workers consensually exchange their own sexual labour or sexual performance for compensation. Workers in the sex industry constitute a heterogeneous group of individuals of all genders who decide to engage in sex work for many different reasons.

Sex work is currently a typical informal economy job in that it does not benefit from legal protection through the state. It mainly employs women, often (undocumented) migrants; entry requirements are low in terms of capital and professional qualifications; and skills needed for the job are often acquired outside of formal education. Many sex workers enter the sex industry as they are excluded from the formal economy or state benefits to achieve a decent standard of living. Similarly to other sectors of the informal economy, most sex work is precarious employment, characterised by insecurity and exploitative conditions.

Sex workers have fought for decades for the recognition of sex work as work and to be called sex workers rather than prostitutes, refocusing the issue on the labour rights needs of sex workers rather than the negative moral connotations associated with 'prostitution'. From the beginning of labour organising, sex workers have been excluded from trade unions. While since the early 2000s some trade unions in Europe have opened branches for workers in the sex industry, in most European countries sex workers are still denied joining a union or creating their own.

However, many sex workers collectives have developed their own, often informal, unions - often outside of mainstream trade union bodies. Self-organisation of sex workers through trade unions or in other forms can bring crucial improvement to sex workers' living and working conditions and offer valuable means to better self-organise within the sex industry.

### **2. THE IMPACT OF SEX WORK CRIMINALISATION ON WORKING CONDITIONS AND SAFETY**

The criminalisation of sex work remains one of the main obstacles for the realisation of sex workers' labour rights. Criminalisation can include punishing sex workers directly through laws that forbid soliciting, loitering or working together; the criminalisation of their clients; or the punishment of those who facilitate sex workers' work, so called third parties, such as managers, venue owners, operators, maids, receptionists or security services, through "pimping" and brothel-keeping laws.



Even in contexts where sex work itself is legal, sex workers face strict state control and surveillance through coercive legalisation. These can be legal obligations requiring the mandatory registration of sex workers, compulsory health checks, restrictions on the location, number and rules of operation of sex work businesses, as well as laws determining who may provide sexual services and under what conditions. Sex workers who do not want to or cannot comply with the often discriminatory and oppressive regulations are facing punishment in the form of administrative or criminal sanctions, including fines, prosecution or even imprisonment.

Widespread criminalisation and the lack of legal recognition of sex work as work force many sex workers to operate in the informal sector or outside the formal economy. Many sex workers work without having signed an employment contract with their employer or venue owner. Numerous employment relationships are based on 'phony' contracts, which conceal the nature of the work and the character of the services involved. Others register as self-employed and still end up performing work and having responsibilities typically associated with regular (and legally protected) labour arrangements.

As a consequence, sex workers rarely enjoy welfare benefits and work-related social and financial provisions usually secured within standard employment relationships. Thus, they do not have access to benefits such as accident compensations, sick leave, parental leave, paid holiday leave, pension benefits or disability allowances, and have to cover such expenses by themselves.

Due to laws criminalising procuring, managerial involvement in sex work, brothel keeping, facilitating sex work or living off the earnings of sex workers, prevalent in most European countries, third parties are at risk of imprisonment or heavy fines. Thus, they tend to focus on protecting and increasing their profits rather than the safety and wellbeing of sex workers, and frequently shift the risks related to running an illegal business onto them.

### 3. KEY FACTS

- **The International Labour Organization (ILO), the official labour agency of the United Nations, calls for economic recognition of the sex industry.**
- **In numerous countries in Europe, sex workers are not being provided with health and social insurances since these are frequently granted in connection to one's residency and employment status or work relationship, which they don't have due to criminalisation of workplaces.**
- **(Undocumented) migrant sex workers face specific problems, including language barriers, lack of access to housing, health, and social services and heightened levels of violence.**

## 4. WHAT CAN YOU DO?

When advocating for better and safer working conditions in the sex industry, it is important to have a good overview of sex workers' working conditions in different settings and map how they would like to work. It can be achieved through consultations, surveys and outreach, and this can be a good basis for getting in touch with trade unions, employment agencies, public officials and the media. It is also crucial to explain that sex work is never without exploitation, similarly to other sectors, but highlight how criminalisation of sex workers, clients or third parties heighten the risks of vulnerability.

### EXAMPLES:

- **Strikes:** in 1975, sex workers in France organised an 8-days nationwide strike and occupied a total of five French churches during the strike. Many more of the approximately 20,000 French sex workers nationwide joined the strike in solidarity. This action inspired the global labour movement of sex workers.
- **Protests:** many sex worker organisations join protests and marches on May Day, the International Workers' Day on 1 May.
- **Unionising:** STRASS, the French sex worker union organises sex workers in the country and campaigns against the criminalisation of clients.
- **Support in labour rights:** in countries where sex work is legal, sex worker groups often provide registration, book-keeping and other support so that sex workers can comply with labour and tax regulations.

## 5. RESOURCES

ICRSE, Understanding sex work: a brief guide for labour rights activists. Briefing Paper (2017): <http://www.sexworkeurope.org/news/general-news/icrse-launches-new-resource-understanding-sex-work-work-brief-guide-labour-rights>

ICRSE, Unfair labour arrangements and precarious working conditions in the sex industry. Community Report (2016): <http://www.sexworkeurope.org/news/general-news/may-day-icrse-launches-community-report-exploitation-sex-industry>

Example of trade union motion debated at the UK Trade Union Congress (2017): <http://prostitutescollective.net/2017/09/tuc-congress-2017-support-motion-39-decriminalisation-sex-work/>

Example of student union support for sex work as work, successfully passed at Plymouth University, UK (2016): <https://www.upsu.com/pageassets/studentvoice/training/Standing-Up-for-Student-Sex-Workers.pdf>

NSWP, Research for Sex Work #14: Sex Work is Work (2015): <http://www.nswp.org/resource/research-sex-work-14-sex-work-work>

## PART 5 - SEX WORKERS' RIGHTS AND THE RIGHT TO HEALTH

### 1. WHY ARE SEX WORKERS' RIGHTS RIGHT TO HEALTH ISSUES?

Sex workers globally face a significantly higher burden of HIV and other infectious diseases. The key reason is that sex workers, of all genders, are subjected to repressive and discriminatory laws and practices around the world, which in turn fuel stigma, discrimination, and in a large number of instances, violence being perpetrated against them. Sex workers are furthermore viewed in many contexts as vectors of diseases. These factors all severely impact on the health and wellbeing of sex workers.

Sex workers experience significant difficulties in accessing HIV prevention, diagnosis, treatment, care, and support and are thus disempowered in their efforts to protect their health. Often driven underground by fear and marginalisation, sex workers encounter or face the direct risk of violence and abuse daily, both from state and non-state actors. Experiences of these types of violence and human rights violations range from police brutality, arrest and detention, denial of access to ART<sup>16</sup>, raid and rescue operations often accompanied by forced testing and coerced rehabilitation programmes.

<sup>16</sup> ART stands for antiretroviral therapy, a treatment that suppresses or stops a retrovirus. One of the retrovirus is the human immunodeficiency virus (HIV) that causes AIDS.

### 2. ADDRESSING CRIMINALISATION AND LEGAL OPPRESSION

Common legal frameworks and policies across Europe and Central Asia, often use 'public health' as a justification for the control, suppression and/or regulation of sex work and sex workers' activities. For example, in many countries across Europe and Central Asia, such as Austria, Greece, Latvia and Turkey – periodic compulsory screenings for HIV and other STIs are attached to the procedure of sex worker registration. This means that sex workers are forced to regularly undertake HIV and STI tests in order to be granted permission to legally engage in sex work, and in some cases in order to be granted residency status. Also, in some parts of Europe and Central Asia, where sex work is penalised, sex workers are quite often forced to undergo testing for HIV and other STIs during police raids or following arrest and detention. Cases of police driven enforced testing have been reported by sex worker communities in Greece, Kyrgyzstan, Macedonia, Tajikistan, and Ukraine.

Mandatory and forced testing for HIV and other STIs is not only a clear violation of sex workers' human rights, including sex workers' right to privacy, dignity, bodily integrity, autonomy, and non-discrimination, but also a repressive and degrading form of exercising control over sex workers and their health. When sex workers are targeted for coerced testing in this way, results are often not kept anonymous and shared with managers, third parties and families, and can be used as blackmail to deter sex workers from disclosing violence or

other human rights violations. Also, in those contexts where sex workers' rights are not protected and HIV is heavily criminalised, HIV status is often not kept confidential, exposing sex workers to blackmail, discrimination, stigma, arrest and prosecution. This can also act to deter sex workers from testing, particularly where HIV positive sex workers are banned from working or obliged to disclose their status to clients.

Furthermore, mandatory, forced and coercive testing practices have been shown to be counterproductive. They push sex workers and other stigmatised communities underground, away from medical settings and HIV prevention programmes, and prevent them from accessing healthcare services in fear of discrimination, arrest, harassment and violence.

### 3. KEY FACTS

- **Sex workers are approximately eight times more likely to be living with HIV than other adults globally. In low-income countries, female sex workers are 14 times more likely to be living with HIV than other women of reproductive age.**
- **In countries such as India, Indonesia and Cambodia, evidence suggests that HIV prevalence amongst sex workers is as high as 65 percent.**
- **For male and trans sex workers, the risk of HIV is known to be even higher yet epidemiological data and research is less widely available for these groups, who are often included in broader studies on sex workers or studies on men who have sex with men.**
- **HIV/STI prevalence among sex workers varies significantly depending on the country and sub-region of Europe. HIV prevalence amongst female sex workers in Western Europe is rather low (1 percent or less), with considerably higher prevalence among sex workers who use drugs, migrant sex workers, and transgender sex workers.**
- **Most studies show that sex workers report very high rates of condom use with clients among sex workers in Europe and Central Asia, with over 80-90 percent condom use in most of the countries in the region.**

### 4. RIGHTS-BASED APPROACH TO HIV PROGRAMMING AMONGST SEX WORKERS | THE SEX WORKER IMPLEMENTATION TOOL (THE SWIT)

The most successful health and HIV interventions to date have been those that are peer-led, relying on individual and collective empowerment to improve sex workers' working and living conditions. New guidelines were recently released by the World Health Organization (WHO) that explicitly urged states to decriminalise sex work, and establish rights respecting laws to protect sex workers against

violence and discrimination. The guidance was developed jointly with WHO, UNFPA, UNAIDS and the Global Network of Sex Work Projects (NSWP) and took into consideration a qualitative survey conducted by and with sex workers on values and preferences relating to the interventions being considered. These WHO recommendations are promoted as a minimum global standard:

**“The principles that underlie this tool, and the operational approaches it presents, are no less relevant to high-income countries, and should be seen as a minimum global standard.”**

Following these guidelines, the WHO, UNFPA, UNAIDS, the World Bank alongside NSWP developed guidelines in consultation with sex workers on the most appropriate ways to implement HIV/STI programmes at national and community level. This document has come to be known as the SWIT. Crucially, the SWIT recognises the importance of implementation at a grassroots level, led by local sex workers and local sex working collectives, as well as highlighting the importance of sex workers influencing HIV policy at national and international levels, through sex worker-led networks. The SWIT also affirms that the health of sex workers doesn't happen in a vacuum, and that countries should work towards the decriminalisation of sex work, and the empowerment and self-determination of sex working communities, as a fundamental part of the fight against HIV.

As highlighted in the SWIT, good practice in working with sex workers should focus on moving towards sex worker leadership from programmes done for and with sex workers.



‘Six main components of the Sex Worker Implementation Tool (SWIT). Community empowerment is at the core of all of the SWIT recommendations.’  
<http://www.nswp.org/resource/the-smart-sex-worker-s-guide-swit>

## 5. WHAT CAN YOU DO?

- **Services for sex workers:** set up services, including condom and lubricant distribution, drop-in, and testing, that meet the needs of sex workers and build on their involvement. See more on good practices: <http://www.nswp.org/sites/nswp.org/files/Global%20Report%20English.pdf>
- **Video advocacy:** use videos that introduce the topics of HIV, human rights, and sex work to broad audiences, for instance 'United We Stand: Introduction to Sex Worker Implementation Tool' available at <https://youtu.be/8enK8m5EDp8>
- **Lobby for fund allocation:** in many national HIV/AIDS plans, sex workers are mentioned as a key population. Engage in coordination mechanisms around the implementation of these strategies and advocate for funding of sex worker-led organisations.
- **Protests:** despite the rhetoric of sex workers being a key population, many events and discussions around HIV/AIDS exclude them. In 2012 for instance, due to U.S. travel and visa restrictions on sex workers, they could not attend the International AIDS Conference. Instead, they organised their counter-event, the Sex Worker Freedom Festival in Kolkata, India.
- **Consult the community:** the Global Network of Sex Work Projects (NSWP) consulted its membership to highlight sex workers' concerns about PrEP, an HIV prevention medication (Pre-Exposure Prophylaxis (PrEP) is the use of anti-retroviral HIV medicines (ARVs) by people who do not have HIV to prevent the transmission of HIV). See more: <http://www.nswp.org/resource/prep>

## 6. RESOURCES:

ICRSE, Understanding Sex Workers' Right to Health: Impact of Criminalisation and Violence. Briefing Paper (2017): <http://www.sexworkeurope.org/news/general-news/icrse-joins-european-health-forum-and-launch-fifth-intersection-briefing-paper>

The Lancet Series on Sex Work and HIV (2014): <http://www.thelancet.com/series/HIV-and-sex-workers>

WHO Guidelines on Sex Work and HIV (2012): [http://www.who.int/hiv/pub/guidelines/sex\\_worker/en/](http://www.who.int/hiv/pub/guidelines/sex_worker/en/)

WHO, NSWP, UNFPA, UNAIDS, The Sex Worker Implementation Tool (commonly known as SWIT) (2013): [http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/en/](http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/)

## NOTES

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