

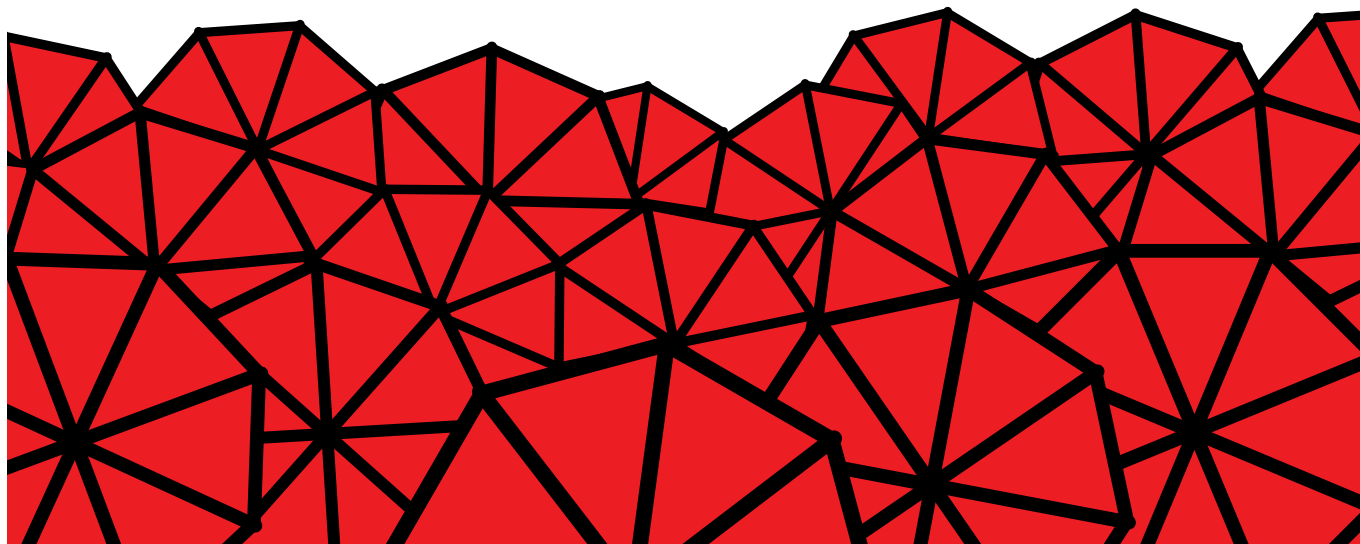


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Global Network of Sex Work Projects
Promoting Health and Human Rights

**BRIEFING
PAPER**

Migration and Sex Work



Migration and Sex Work

Introduction

Despite the global trend of increasing mobility, migrant workers are still stigmatised and silenced – in politics and media alike. Additionally, migrant sex workers are painted as either victims or criminals in discourses that conflate sex work with human trafficking and deny sex workers the right to migrate. Their human rights are often ignored in favour of driving broader political agendas to restrict migration and criminalise sex work. As political unrest, climate change,

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and the rise of conservative governments leads to increased mobility and labour migration, this paper explores the specific challenges faced by migrant sex workers, including lack of respect for their human rights, legal and policy barriers, and lack of access to services and support. The Briefing Paper is intended for policy makers, those who design and implement programmes and work directly with sex workers, and as a tool for sex worker-led

organisations to utilise in their advocacy for sex workers' rights. In a globalised economy in which labour migration is essential and yet fraught with increased restrictions and complications, this paper will analyse migrant sex work within a labour framework. This is especially relevant now due to the rise of aggressive anti-migrant policies and discourse, especially in the global north. COVID-19 has both exposed and exacerbated inequality among criminalised key populations and communities, and sex workers are being affected by increasingly oppressive legislation such as the implementation of 'end demand' models, despite the overwhelming evidence showing the harms of this approach for sex workers.

Methodology

This Briefing Paper is based on in-depth research conducted between June and July 2022 in nine countries, a global e-consultation with sex worker-led organisations, and interviews with key informants from the International Labour Organization, Platform for International Cooperation on Undocumented Migrants (PICUM), Global Alliance Against Traffic in Women (GAATW), a South African public health researcher and a legal expert based in Singapore. This was supplemented with a desktop literature review. National consultants conducted interviews and focus groups using a standardised questionnaire concerning issues faced by migrant sex workers around the world and how they are situated with respect to their fundamental rights as outlined in the NSWP Consensus Statement on Sex Work, Human Rights, and The Law¹.

¹ NSWP, 2013, "Consensus Statement on Sex Work, Human Rights and the Law."

National case studies were produced in Peru, Nicaragua, Canada, Portugal, the Democratic Republic of the Congo (DRC), Tanzania, Australia, Bangladesh and Trinidad and Tobago, with national consultants conducting in-depth focus groups and interviews with over 190 sex workers. Participants included female, male, trans and gender diverse sex workers who migrated across borders and regions, sometimes with the deliberate intention to do sex work, sometimes deciding to do sex work upon arrival. They included those working in brothels, massage parlours, online, from their own homes, on the street and in entertainment venues. Participants included both documented and undocumented migrants, those who have migrated internally and across borders, sex workers living with HIV, LGBT+ sex workers, and sex workers who use drugs. Using a similar questionnaire, a global e-consultation with NSWP member organisations gathered additional responses from fourteen NSWP member organisations.

The first part of this paper presents a brief literature review of the global landscape of migrant sex work and includes insights from discussions with key informants. The second part of the paper highlights the main challenges, motivations and coping strategies of migrant sex workers based on reports from the national consultants and responses from the e-consultation, amplifying the voices and experiences of migrant sex workers.

Literature Review

NSWP's 2022 Strategic Plan notes that migrant sex workers, are "disproportionately impacted by criminalisation, stigma and discrimination, and experience multiple barriers to services and

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support."² A previous NSWP Briefing Paper on migrant sex workers³ highlighted the ways that migrant sex workers face criminalisation, social exclusion, and additional barriers to basic rights. NSWP's Consensus Statement establishes eight fundamental rights that allow sex workers to work in a safe manner, free from stigmatisation. One of these is the right to move and to migrate, as a fundamental human right established and ratified in various international treaties. The Consensus Statement understands migration and sex work within a labour framework, and

includes, among other rights, the right of sex workers to leave their own country, request entry into another and have that request handled without prejudice. It then outlines several proactive measures that governments and responsible authorities need to take in order to realise these rights. Along with the World Health Organization (WHO) and others, NSWP developed the Sex Worker Implementation Tool (SWIT), which comprises international normative guidelines for all partners responsible for the implementation of comprehensive HIV/STI programmes⁴. These steps also involve including and working closely with migrant sex workers, requiring programmes to be sensitive to their particular needs in order to be most effective.

2 NSWP, 2022, "Strategic Plan 2022–2025."

3 NSWP, 2017, "Briefing Paper: Migrant Sex Workers."

4 WHO, UNFP, UNAIDS, NSWP, World Bank & UNDP, 2013, "Implementing comprehensive HIV/STI programmes with sex workers: practical approaches from collaborative interventions."

This paper now seeks to re-evaluate the global situation. PICUM confirmed that there has been a recent increase in global surveillance and persecution of migrants, and the introduction of new laws and policies affecting sex workers. For example, within the EU, recent years have seen the introduction of legislation that criminalises migrants as well as increased investment in deportation and detention measures⁵. Numerous European countries are also adopting approaches which criminalise the buying of sexual services and/or increase the regulation of sex work, both of which disproportionately impact migrant sex workers.

Migrants represent a large part of the sex worker community across the globe. In some Western European countries as many as 70% of sex workers are migrants.⁶ In Thailand, the focus group participants put the figure at around 30%. A study in South Africa found that some major cities had 39% migrant sex workers from other countries with a further 46% migrating internally from other South African regions⁷.

In their interview, GAATW noted that sex workers share many of the same reasons for migrating as other migrants, including the search for better economic opportunities and quality of life, to escape conflict and discrimination, and out of a desire to travel and see more of the world. The patterns of global migration are also expected to evolve in years to come due to climate change and ongoing

political crises. Considering these changing circumstances, it is important to examine the specific challenges faced by migrant sex workers.

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Exclusion, Deportation and Barriers to Rights

In search of a better life, migrant sex workers encounter increased barriers to the realisation of their human rights. Migrant sex workers frequently find themselves excluded from accessing essential services including housing and healthcare, particularly HIV/STI prevention, and sexual and reproductive health programmes, due to being non-nationals, undocumented, or simply unaware of how to access them because of language and cultural barriers. Housing access issues may also be the result of legislation that discriminates against undocumented migrants, as well as punishing those seen as benefiting from sex work. For example, in France and other countries, a landlord can't knowingly rent an apartment to a sex worker for fear of being prosecuted for allowing sex work to take place on their premises.

Migrant sex workers often struggle with access to healthcare due to not having health insurance or requisite documentation. Some healthcare providers may also be uncertain about how to extend services to migrants⁸. According to a public health researcher from South Africa interviewed for this paper, some hospitals have imposed policies which require patients to show proof of citizenship before being admitted. The country has also seen some positive trends, however, in the provision of a more comprehensive HIV service where healthcare workers are given training on how to meet the needs of all sex workers. However, in Tanzania, a respondent who was diagnosed with HIV was told to return to their home country for treatment – an option that was not possible for them.

5 PICUM, 2019, "Safeguarding the human rights and dignity of undocumented migrant sex workers."

6 TAMPEP, 2019, "Position Paper CEDAW: European Network for the Promotion of Rights and Health Amongst European Sex Workers."

7 M. Richter et al., "Migration Status, Work Conditions and Health Utilization of Female Sex Workers in Three South African Cities," *Journal of Immigrant and Minority Health* 16 (2014): 7–17.

8 NSWP, 2018, "Briefing Paper: Universal Health Care: Putting the last mile first."

Trafficking discourses most often harm sex workers and undermine sex workers' rights advocacy because the migration of sex workers is conflated with human trafficking and sexual exploitation, and reinforced by anti-migrant policy and societal attitudes, especially in the Global North.

The COVID-19 pandemic worsened the situation of migrant sex workers globally, with most unable to access emergency relief programmes or national social protection. NSWP research⁹ showed widespread barriers in accessing healthcare, increased public health controls, targeted raids on sex workers, difficulty accessing social security schemes, increased deportations, and a vulnerability to homelessness.

Exclusion also extends to mental health services. Those working in criminalised or precarious conditions are more likely to experience

mental health issues, exacerbated by the intersectional stigmas they experience. Migrant sex workers face barriers to mental health services due to language and lack of requisite documents. This is often exacerbated by the fact that mental health facilities are frequently unable to provide appropriate, non-judgemental services to sex workers¹⁰.

Trafficking discourses most often harm sex workers and undermine sex workers' rights advocacy because the migration of sex workers is conflated with human trafficking and sexual exploitation, and reinforced by anti-migrant policy and societal attitudes, especially in the Global North¹¹. The resulting legislation tends to ignore empirical data and creates circumstances in which

sex workers are more vulnerable to violence¹². The statistics quoted regarding trafficking are also frequently misleading.¹³ A South African public health researcher noted that the services supposedly available to victims may not actually be in place. The conflation of sex work with trafficking leads to the increased criminalisation of sex workers, clients and third parties, as well as sex workers being excluded from essential services and subject to increased deportations and controls¹⁴. In France, an examination of the political climate surrounding the adoption of the Nordic model found that the increased visibility of street-based migrant sex workers created a moral panic, over-emphasising the role of traffickers¹⁵. This was reinforced by racist stereotypes and a political desire to increase controls over migrants¹⁶. In Canada, the anti-trafficking agenda also re-directs large amounts of government funding to police and 'rescue' organisations, which leads to the harassment, surveillance, and deportation of migrant sex workers.

Sex workers are disproportionately impacted by travel restrictions and discrimination from immigration authorities. This discrimination is exacerbated by systemic racism, sexism and transphobia, and impedes sex workers' freedom of movement as well as impacting their family lives and restricts their right to live and work without interference¹⁷. Migrants who have been outed as sex workers to immigration authorities are more likely to face deportation and may be discriminated against by family or institutions in their country of origin as well as the country to which they have migrated. Since it remains difficult to obtain residency or working permits on the basis of sex work, sex workers are often compelled to remain undocumented and work in clandestine conditions. In some countries such as Sweden, sex workers are at risk of deportation and denial of entry if suspected of being involved in sex work¹⁸. This leads sex workers to depend more on migration agents, often accruing large debts in the migration process¹⁹.

9 NSWP, 2021, "Policy Brief: COVID-19 and Sex Workers / Sex Worker-led Organisations."

10 P.G. Maciotti, Giulia Garofalo Geymonat, Nicola Mai, 2021, "Sex Work and Mental Health: Access to Mental Health Services for People Who Sell Sex in Germany, Italy, Sweden, and UK Policy-Relevant Report."

11 ESWA, 2022, "Sex Work and Racism Community Report #1: Historical Overview of racism in Anti-Sex Work, Anti-Trafficking and Anti-Immigration (ASWTI) Legislation."

12 PICUM, 2019, "Safeguarding the human rights and dignity of undocumented migrant sex workers."

13 Asijiki, 2015, "Sex Work, Migration and Tourism: Asijiki Fact Sheet."

14 NSWP, 2018, "Policy Brief: The Impact of Anti-Trafficking Legislation and Initiatives on Sex Workers."

15 NSWP, 2011, "Briefing Paper: The Criminalisation of Clients."

16 C Calderaro and C Giametta, "The Problem of Prostitution: Repressive policies in the name of migration control, public order, and women's rights in France," *Anti-Trafficking Review* 12 (2019): 155-171.

17 NSWP, 2019, "Policy Brief: Sex Workers and Travel Restrictions."

18 ESWA, 2022, "Sex Work and Racism Community Report #1: Historical Overview of racism in Anti-Sex Work, Anti-Trafficking and Anti-Immigration (ASWTI) Legislation."

19 PICUM, 2019, "Safeguarding the human rights and dignity of undocumented migrant sex/workers."

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New legislation and anti-migrant attitudes reflect global trends that harm migrant sex workers, often supported by conservative politicians. Regional network Plataforma Latinoamericana de Personas que

ejercen el Trabajo Sexual (PLAPERTS) reported the introduction of an executive order in Ecuador, allowing for the swift deportation of undocumented migrants. PICUM notes that in the EU there has been an increase in the number of migrants being detained, along with legislative trends which reduce the legal recourse available to migrant sex workers, inevitably affecting the most precarious migrants. Increased surveillance disproportionately affects sex workers, such as the planned implementation of the sharing of police intelligence databases across European borders, which has the potential to impact decisions to do with regularisation.²⁰ In the Netherlands, planned

reforms include requiring sex workers to be registered, excluding 'irregular' sex workers and those with a non-Dutch work permit. In Spain, a proposed "Prostitution Abolition Act" using an 'end demand' approach will take away sex workers' right to consent and will endanger the right of sex workers to access housing and a safe space to work.²¹

On a slightly more positive note, recent policy changes at the EU level have attempted to recognise that undocumented migrants are more vulnerable to crime and negative interactions with law enforcement. And some state bodies have begun to recognise sex workers' rights, such as a recent Indian Supreme Court ruling that sex workers should be afforded equal protection under the law. However, this decision remains contested and subject to a backlash, primarily from police²².

A "Triple Stigma"

Sex workers responding to the e-consultation confirmed that stigma and discrimination affected their health, safety, and self-esteem, and impacted their capacity to fulfil their basic needs. Frequently, stigma is described as coming from many fronts. Respondents from All Women Advocacy (AWA) in Zimbabwe described migrant sex workers as suffering from the triple stigma "*of being a sex worker, a foreigner and most often being undocumented.*" Sex workers in DRC noted that migrant sex workers from Rwanda and Burundi face the threat of violence from local colleagues, who see them as competitors and responsible for declining prices. In Peru, Venezuelan migrants report being attacked and thrown out of public parks. In Nepal, Jagriti Mahila Maha Sangh (JMMS) reported that a migrant sex worker who is outed will find it almost impossible to find housing. In Tanzania, sex workers, especially migrant sex workers of diverse language and cultural backgrounds, are seen as presenting a challenge to traditional norms and are discriminated against by policy makers and religious leaders. Tais Plus in Kyrgyzstan reported how undocumented migrants are singled out by law enforcement and face increased incidence of identity checks and extortion. In Bangladesh, sex workers face stigma and violence, from paramilitary groups, clinical services, and 'rescue' organisations as well as in their homes, experiencing increased vulnerability to domestic violence. Escaping the violence resulting from stigma and discrimination was cited as a motivation to migrate to work abroad. Tais Plus also noted that sex workers started leaving the country following a "purge" of urban sex workers, initiated in 2016 by the Ministry of Internal Affairs.

20 PICUM, "Dismantling the Use of Big Data to Deport," PICUM Blog, 2022.

21 NSWP, 2022, "Open Letter to the Prime Minister, the Government of Spain, and the leaders of all political parties in the Congress of Deputies regarding the legislative proposals to amend the Spanish Penal Code."

22 NSWP, 2022, "Sex Workers in India celebrate Supreme Court ruling recognising sex work as a 'profession'."

As well as carrying the threat of violence and social exclusion, AWA in Zimbabwe and STAR in North Macedonia both reported that stigma leads migrant sex workers to operate in precarious situations as anonymously as possible, making it difficult to establish relationships between themselves or with sex worker-led organisations and other support networks. Even in countries where sex work is regulated or decriminalised, migrant sex workers report that stigma affects their mental health and family lives.

“Their family life seems to struggle as they face isolation and financial stresses. They live without recognition, unable to access welfare and standard legal support, they rely purely on peer information and support”.

SCARLET ALLIANCE, AUSTRALIA

Stigma sometimes comes from those who should be best placed to help migrant sex workers obtain basic social benefits and health care. PLAPERTS reported that migrant sex workers faced violence

from healthcare officials when they accessed ante-natal care during the pandemic. In Portugal, migrant sex workers reported that whorephobia and the perception of sex workers as criminals amongst social workers meant that sex workers were unlikely to seek social security and associated emergency support. In Canada, migrant sex workers fear stigma and whorephobia from their national communities,

forcing them into isolation. However, when they were able to access sex worker-led organisations, they felt less isolated and better able to obtain important legal information.

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Push and Pull Factors for Migration

Migrant sex workers are often driven to migrate by structural inequalities as well as the urge to escape state failings. Respondents in Peru, Ecuador and Trinidad included many Venezuelan women who migrated due to political unrest and the collapse of basic services. These movements may also be internal, as reported by respondents from Cameroon, who left regions where armed conflict has led to instability.

Red Umbrella Athens and SXA-Info (Austria) reported the arrival of trans and gender diverse migrants hoping to live in a country where they are freer to express their gender identity. Transgender sex workers in Mexico frequently arrive seeking asylum from discrimination in their countries of origin. The Uganda Network for Sex Work-led Organisations (UNESO) note LGBT+ people migrating from rural to urban settings, as a factor for internal migration, as well as attacks motivated by whorephobia. Issues such as gender discrimination also influence why migrants choose sex work. The European Sex Workers Rights Alliance (ESWA) points out that deep-rooted societal transphobia means that employment opportunities for trans and gender diverse people are more limited than for the general population.

Exercising the Free Choice of Work

Respondents from Bangladesh, Nepal and New Zealand reported that they migrated with the specific intention of doing sex work. Those from Australia, Thailand, Peru, and Trinidad & Tobago decided to enter sex work after arriving in their host country upon discovering it was the most lucrative option available to them as migrants, as well as being less exploitative than other industries. In the case of Venezuelan migrants in Peru and Trinidad, most had previously worked outside the sex industry but found they were unable to find similar employment abroad. In Austria, people found that access to other employment options was limited due to a lack of knowledge of German. Respondents from Canada noted that clients were able to provide them with assistance, such as extra money and social support, that was not available to migrants working in other sectors.

Migrant sex workers in almost every region surveyed reported moving to higher income countries or regions to seek economic opportunity.

Migrant sex workers in almost every region surveyed reported moving to higher income countries or regions to seek economic opportunity. In South Africa, Uganda, and Zimbabwe, the movement of migrant sex workers is often linked to the mining industry, which attracts migrants

and is a source of clients. Likewise, in Nicaragua and Tanzania, the movement of sex workers relates to the mobility of workers in mining and agriculture. In the Balkans, sex workers migrate on a seasonal basis to North Macedonia during the summer period, as do other seasonal workers (STAR). Migrant sex workers are also motivated to travel, simply to see the world and experience different cultures, as emphasised by sex workers from Empower in Thailand.

“We migrate for a better life regardless of what work we do. But it’s not just to make money... we are the ones who dare and want to know new things... Those of us who do sex work are extra daring!”

MIGRANT SEX WORKER, THAILAND

Sex Workers and Borders

Migrant sex workers frequently find ways to negotiate their way around border restrictions and take advantage of the fluidity of some borders. In Bangladesh and Singapore, migrant sex workers obtained visas on the basis of working short-term as singers, waitresses and hostesses in the hospitality and entertainment industries. In Thailand, Empower reported that migrants are banned from participating in the sex industry, but find work in entertainment locations as maids and labourers. According to a legal expert from Project X in Singapore, many migrants do not initially arrive with the intention of doing sex work but often end up returning to sex work episodically to continue earning money. GAATW noted that, although having some form of declared work can help migrants obtain some security benefits, they are also subject to the potential abuses of contract and wage theft by managers who take advantage of their ignorance about certain rights.

Other migrant sex workers travel by clandestine routes. In Zimbabwe and the DRC, sex workers cross borders with long distance truck drivers, who are often clients. In Peru and Ecuador, migrants from Venezuela travel by foot using back country trails to escape detection. Many women who have encountered border guards on the Ecuadorian border report incidents of sexual exploitation, extortion, and rape from border guards.

In Greece, sex workers must obtain a licence, although this is impossible without first having a social security number, effectively barring migrants from practicing sex work legally.

Many countries, including those where sex work is regulated, whether decriminalised or legalised, do not permit migrants to enter the country for sex work. In New Zealand, sex work is only decriminalised for permanent residents and citizens. Migrants without residency risk deportation if caught doing sex work. In Greece, sex workers must obtain a licence, although this is impossible without first having a social security number, effectively barring migrants from practicing sex work legally. In Canada, migrants are prohibited from participating in the sex industry. Sex worker-led organisations have recently launched a constitutional challenge against Canadian sex work laws and hope to obtain better legal protections for migrant, indigenous and trans and gender diverse sex workers.

In most countries, it is not possible for migrants to regularise their stay on the basis of having found employment as a sex worker. In most cases, being outed as a sex worker harmed their chances of obtaining permanent resident status or led to their being deported from the country and banned from re-entry. ESWA reports this being the case for individual sex workers in Spain and Sweden, where having a police record for sex work had been used as grounds for the denial of regularised status. One exception was Australia, where some sex workers were able to obtain residency with support from partners, yet faced other entry barriers at the border:

“One important thing was the support from their partners to claim that they’ve acknowledged they are sex workers and sex work has no effect on their marriage. However, [...] some workers have been refused entry to Australia because the authorities found some condoms in the luggage, and in another case, a chat history about escort / sex work on their mobile phones.”

SCARLET ALLIANCE, AUSTRALIA

Migrants also take advantage of the relaxation of certain border regulations to stay and work in another country on a temporary or permanent basis. In many cases, this allows them to earn money from sex work with less risk of being outed by their home community. For example, a relaxed border has led to the migration of sex workers from Nepal to India, where they can charge higher prices and benefit from increased anonymity and discretion by having moved to a different country. Respondents report choosing to migrate to Australia due to it being relatively easy to obtain a working visa (although very few migrated with the specific intention to do sex work). Respondents from the DRC report taking advantage of a travel permit that allows for nationals from different countries in the Great Lakes region of East Africa to stay up to three months in another country without paying for a visa.

“I’m Rwandan but I pass myself off as Congolese (Munyamulenge) as there are many Rwandans here who have Congolese identity cards. At the same time, I have a Rwandan identity card, which allows me to move freely in these two countries without revealing my identity.”

MIGRANT SEX WORKER, DRC

The Role of Migration Agents

Sex workers in Bangladesh reported that migration agencies are vital to facilitate sex work in Dubai, Malaysia, or Singapore. Following an audition-style process, agencies organise all travel documents, flights and accommodation as well as providing clients. They attract sex workers by promising large monthly remuneration. These agencies may honour their agreements with sex workers, however, some participants also reported being paid less than promised. Participants in Australia cited that language difficulties as well as changes in the visa application

Many of these agents are scams which issue false documents leading to the rejection of migrant sex workers' visa applications. Paying these agents also means that migrant sex workers incur debts before even arriving.

process incited them to pay for the services of immigration agents (falsely) claiming to be registered with the Australian government. Many of these agents are scams which issue false documents leading to the rejection of migrant sex workers' visa applications. Paying these agents also means that migrant sex workers incur debts before even arriving.

Migrant sex workers who used migration agencies reported sometimes having less negotiating power within the workplace. Migrant sex workers in Bolivia said they were made to work longer hours and noted that, because of their migration

status, they required frequent support from and intervention with authorities by their sex worker-led organisation. In many cases, third parties and others exploit the undocumented or clandestine status of migrants. AWA in Zimbabwe report that lack of access to basic services and protection from state actors leads sex workers to depend on the paid protection of "Queen Mothers".

Challenges with Law Enforcement

Migrant sex workers reported having an overwhelmingly negative relationship with law enforcement and justice systems, especially in their interactions with the police. This was invariably due to a combination of the criminalisation of sex work, corruption, and the persecution of migrants, especially those who were undocumented. In all cases, their status as a migrant sex worker essentially acted as a barrier to justice.

Reports of extortion and the payment of bribes were widespread, and migrant sex workers in Greece, Peru and Uganda reported being forced to pay bribes. In North Macedonia, Bolivia and Zimbabwe, police extortion also extended to the demand for sexual services.²³ In Tanzania migrant sex workers who arrive via illegal border crossings frequently find themselves imprisoned, facing potential imprisonment of up to 6 years.

23 NSWP, 2020, "Briefing Paper: Sex Workers Lack of Access to Justice."

Due to their criminalisation and a lack of documentation, migrant sex workers in many countries who took part in our consultation confirmed that they were unable to report violence, rape or crimes committed against them for fear of harassment, arrest, deportation, or simple refusal by authorities to accept reports. In Canada, provincial laws have been passed allowing for increased police surveillance and data collection of sex workers, undermining their right to privacy. Canadian police also work closely with anti-trafficking organisations, causing migrant sex workers to fear deportation if they report violence.

In some cases, reporting violence has led to negative consequences on the entire sex worker community.

“A migrant sex worker was raped in a town at the north of the South Island, and the motelier called the police despite being asked not to by the victim. The rape victim felt she was coerced into reporting the case to the police, acted as a witness in court ... NZPC assisted the rape victim extensively over this period. However, within a few days after the rapist was sentenced, Immigration New Zealand (accompanied by police) raided brothels, motels, and hotels throughout the north of the South Island and deported a number of MSWs. This action indicates to other MSWs that the police and INZ work hand in hand”

AOTEAROA NEW ZEALAND SEX WORKERS' COLLECTIVE (NZPC)

These issues are exacerbated by a lack of knowledge among migrant sex workers about their own rights, further complicated by language barriers. JMMS identified a pressing need for programmes aimed at migrant sex workers, educating them on their rights and the legal recourse available to them. Empower further identified:

“We need a lot of skills to deal with law enforcement. We have to study the different uniforms and badges to know what they are investigating and what power they have. We have to know what to say, when to cry, when to flirt, when to run! Our employers use some of our earnings to pay law enforcement regularly...!”

MIGRANT SEX WORKER, THAILAND

A lack of protection from law enforcement goes hand in hand with increased exposure to violence and harm. Sex workers in Thailand reported that migrants are often targeted by violent clients who are

aware that violence will not be reported. Migrant sex workers in Cameroon, Portugal, Ecuador, and Zimbabwe stated they were under more pressure to accept unsafe practices including unprotected sex as well as lower prices. On a global scale, it is clear that police constitute a danger to migrant sex workers rather than providing them with the protection of the law, and radical reform and re-education is required in order to ensure the rights of migrant sex workers are protected and respected.

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Effects of COVID-19 Pandemic on Migrant Sex Workers

The COVID-19 pandemic and subsequent lockdown measures since 2020 have exacerbated inequalities and had an exaggerated impact on criminalised and marginalised populations, particularly all sex workers. Migrant sex workers are no exception, with most respondents to the consultation reporting an overall decrease in their circumstances. UNESO summarises some of the consequences of the pandemic on sex workers:

“The lockdown measures...affected their movements to seek health care services, especially HIV prevention and treatment, post-abortion care. It further affected their need to move and seek better standards of living, high[er] income and legal support. Further still, the current COVID-19 pandemic has reawakened and triggered post traumatic disorders amongst our community in a way that it elicited all mental stressors, [such as] stress, anxiety and depression, thus influencing increased drug and substance use among our migrant sex workers.”

Sex workers also reported an increase in stigma and discrimination during the COVID-19 pandemic. Asian sex workers in Australia reported being treated as carriers of COVID-19 and subjected to frequent verbal

abuse. ESWA reported that migrants who returned home during the lockdown period were accused of bringing the virus with them. These experiences echo popular misconceptions of sex workers as ‘vectors of disease.’

Due to their undocumented status and the lack of legal recognition of sex work as work, migrant sex workers frequently found themselves excluded from emergency responses and national social protection schemes. In Portugal, validation from a social worker was needed to access food banks, and applications from sex workers were often rejected by social workers due to discrimination.

Migrant sex workers in Austria and Zimbabwe reported a general increase in the number of ID checks and subsequent deportations during the pandemic. On the other hand, other migrant sex workers were unable to return to their home countries nor access family support during the lockdown due to travel restrictions.

“I used to perform dances in the hotel...My income was good and I was working under the guidance of a Bangladeshi brother [agent] ...when COVID-19 started, I decided to stay in the hotel [where] I had some clients.... In September 2020, I became pregnant, and when I was 4 months pregnant, my agent left me and stopped communicating with me. According to Dubai’s law, getting pregnant without marriage is illegal. One day police came to my room and took me to the police station. I could not communicate with anyone, and I could not hire a lawyer, so I had to go to jail. My baby was born in jail.

MIGRANT SEX WORKER, BANGLADESH

Due to their undocumented status and the lack of legal recognition of sex work as work, migrant sex workers frequently found themselves excluded from emergency responses and national social protection schemes.

Migrant sex workers in Thailand and Mexico talked of their struggle with the closure of brothels, bars, and entertainment venues, which deprived them of their main source of income. In Trinidad, an evening curfew was imposed during peak hours for street-based workers, impacting migrant sex workers particularly severely. Sex workers increasingly operated out of their own homes, exposing them to new situations of potential violence. Migrant sex workers in Kyrgyzstan who were unable to work enough hours during the lockdown report having accrued significant personal debt after taking out loans. Since the relaxation of lockdown measures, migrant sex workers have been obliged to prioritise paying off this debt, leading to prolonged financial insecurity. Despite lockdown measures increasing the criminalisation of sex work, sex workers from most countries continued to work directly with clients due to the lack of state support or economic alternatives.

“At first, I didn’t work. I didn’t want to risk it. But many girls had to go, because they had no other choice: either they worked or they died of hunger. Then time passed and I returned. The clientele dropped a lot, everyone was scared, the police were always on top of us as if we were bandits.”

MIGRANT SEX WORKER, PORTUGAL

Sex workers were forced to choose between protecting their health or being able to fulfil their basic needs. Their health was also compromised by the closure of health services, such as harm reduction services and HIV/STI testing facilities in Mexico. In Trinidad, migrant sex workers

living with HIV found it difficult to obtain their ARV medication. In Ecuador and Nepal, migrant sex workers were unable to access hospitals, while the price of preventative commodities such as masks and COVID-19 tests were prohibitive in Peru and Zimbabwe. In Portugal, migrant sex workers experienced barriers registering with health services, making it difficult to obtain the COVID-19 vaccine.

...migrant sex workers experienced barriers registering with health services, making it difficult to obtain the COVID-19 vaccine.

Despite the overwhelmingly negative impact of the pandemic on sex workers, there have also been small examples of positive developments. In Trinidad, one migrant sex worker noted how the platform OnlyFans had aided her in gaining income during the pandemic and provided a new way of working.

Community and Activism

Many sex-worker led organisations struggle to build meaningful relationships or offer appropriate support to migrant sex workers. This is exacerbated by a lack of funding to address the needs of migrant sex workers. However, sex worker-led organisations can provide migrant sex workers with a space in which they can seek support without fear of judgement or exclusion. PLAPERTS said that they aim to provide a holistic service to both migrants and locals. Rosas Mujeres de Lucha (Peru) said that they aimed to do the same but needed more support, especially from government. AWA (Zimbabwe) cited the process of developing a regional platform with colleagues in Southern Africa that will better support migrant sex workers.

Recommendations

- 1 Governments, policymakers, and civil society advocates must actively work towards the full decriminalisation of sex work, including sex workers, clients and third parties.
- 2 Sex work must be recognised as work, and sex workers must be given the same migration rights as other workers by providing sex workers with safe, legal, and equal channels to migrate and obtain work visas for sex work or other work.
- 3 End anti-trafficking responses that conflate human trafficking, sex work and migration or focus on eradicating sex work. These are detrimental to the identification of victims of human trafficking and increase the harms experienced by migrant and all sex workers.
- 4 Sex workers must be included in national social protection schemes including health and insurance, sick pay, and other emergency responses.
- 5 Review immigration laws and policies that unfairly discriminate against sex workers and remove travel restrictions prohibiting sex workers from entering any country because of their sex work history.
- 6 Remove laws that explicitly prohibit the participation of migrants in the sex industry, as these effectively guarantee their reliance on third parties.
- 7 Implement a firewall between social protection/health services and immigration authorities, to ensure migrant sex workers can access services and report abuses.
- 8 Sensitise social and health care workers as well as law enforcement officials, to provide non-judgemental and confidential services to national and migrant sex workers, and to provide these services in multiple languages.
- 9 Provide adequate funding for sex worker-led organisations, who are best placed to provide comprehensive, non-judgemental, and tailored services to migrant sex workers, ranging from healthcare to housing, and including reporting human rights violations.
- 10 Include migrant sex workers in the development and delivery of services and information, to ensure that the services provided and their method of delivery is relevant, respectful, and effective.

Conclusion

The needs of migrant sex workers are intersectional. They experience multiple layers of stigma and discrimination, including systemic racism, entrenched stigma, additional criminalisation, and heightened structural barriers. This is exacerbated by the marginalisation of migrant sex workers, making it harder to connect with sex worker-led organisations and networks. Language barriers increase the potential

for marginalisation and social isolation, and global health emergencies and increasing natural disasters, such as COVID-19, reinforce these inequalities by excluding them from emergency responses and national social protection mechanisms. Migrant sex workers are incredibly resourceful; they network, adapt, and negotiate a

world of increasingly hostile border controls. Policies and programmes must be improved to ensure their rights are protected and respected.

Policies and programmes must be improved to ensure their rights are protected and respected.

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Briefing Papers document issues faced by sex workers at local, national, and regional levels while identifying global trends.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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