



nswp Global Network of Sex Work Projects
Promoting Health and Human Rights

BRIEFING NOTE:

Social Protection

Sex workers globally are excluded from financial systems, housing, and public services that would support economic security and independence. They face housing discrimination and barriers to property ownership. Like other workers in the informal sector, they are excluded from labour protections, work-related entitlements such as paid sick or maternity leave, and in many countries are denied the right to associate and organise. Criminalisation, discrimination and stigma, and the failure to recognise sex work as work, compound sex workers' social exclusion and foster economic marginalisation.

Sex workers are frequently viewed as requiring protection. Yet most 'social protection' programmes do not address their needs but aim to 'protect' sex workers from themselves. Such programmes often involve forced 'raid and rescue' interventions, protective detention and rehabilitation¹. Rehabilitation usually requires sex workers to abstain from sex work, while they receive unpaid training in other gendered skills (e.g. sewing, or soap making) that do not command living wages. Some include microenterprise schemes that then fail to provide sufficient start-up capital or business training to create a sustainable source of income. *These dominant approaches to 'social protection' for sex workers contribute to their economic insecurity and social marginalisation, rather than reducing or preventing it.*

Instead of 'protecting' sex workers from themselves, social protection systems should consult with sex workers to establish their needs, and like all social protection systems, should seek to prevent and reduce poverty, vulnerability and marginalisation. To do so, they must address the vulnerability created by the stigma, discrimination and social exclusion that sex workers face daily.

This briefing note outlines key areas that social protection systems aimed at sex workers must address. It highlights how criminalisation underlies sex workers' social marginalisation and exacerbates their vulnerability. It outlines the role of sex worker-led collectives and organisations in fostering appropriate social protection for sex workers. It highlights that, *rather than 'protecting' sex workers from themselves, policies and programmes must aim to uphold the human rights of sex workers and promote their autonomy and agency.*

KEY BARRIERS TO ECONOMIC SECURITY

Lack of identity documents

Some sex workers lack identity documents², preventing them from accessing social protection programmes, such as health insurance, welfare or social security, and education and social protection for their children. It is also a barrier to securing formal rental agreements, owning property, and accessing bank accounts and loans.

In Ethiopia, identity documents are required to access bank accounts and government services. Many Ethiopian sex workers move to cities from the country and therefore lack identity documents. NIKAT Charitable Foundation, Ethiopia, works with women's organisations and the National Bank to address this issue.

¹ NSWP, 2015, "[Summary: Economic Empowerment Briefing Papers.](#)"

² UNDP, UNFPA & UNAIDS, 2012, "[Sex Work and the Law in Asia and the Pacific.](#)"



Exclusion from financial services

Sex workers face profound barriers to accessing financial services. Globally, they are discriminated against by financial institutions and are often denied the right to open a bank account or access a loan.³⁴ When a sex worker's occupation becomes known, their accounts may be frozen, seized by government agencies or closed by financial institutions⁵. In some countries, especially where sex work is criminalised, banks face punitive measures for holding funds derived from criminal activity, or sanctions for failing to

"In [our] economic empowerment [programme] we encourage each other to open bank accounts and save money... Initially many were hiding money under their mattresses because they felt intimidated by banks and the process of opening an account. A few sex workers have been able to buy land and build their own houses as a result of this program."

- Daisy Nakato, Executive Director, Women's Organisation Network for Human Rights Advocacy (WONETHA), Uganda

This exclusion prevents sex workers from saving, borrowing, planning for retirement, and insuring against risk; it profoundly increases sex workers' vulnerability to exploitation, poverty and crime. As a result, many sex workers keep money in cash, where it is vulnerable to theft or demonetisation. Others give income to unauthorised financial institutions, third parties or intimate partners for safekeeping— some of whom take advantage, mismanage or steal sex workers' money. Unable to access bank loans at fair rates, sex workers rely on unauthorised lenders who provide loans at extortionately high rates, entangling sex workers in debt.

Without access to financial services, sex workers are frequently

"Criminalization of sex work effectively prevents sex workers from access to regulated financial institutions, so getting a loan or salary advance [from an employer] is the only viable option. Any migrants pay for their travel expenses this way."

-Empower, Thailand

Exclusion from housing and property ownership

Stigma and criminalisation impede sex workers' access to stable and affordable housing and they face discrimination from landlords and mortgage lenders. Housing discrimination is compounded by laws that criminalise individuals for knowingly renting space to individuals for use for sex work.⁶ Criminalisation

report account holders suspected of engaging in criminal activity. In other countries, many sex workers lack the necessary documentation required to open bank or credit union accounts; these can be passports, voter ID, rental agreements or utility bills.

also excluded from protection systems— in many countries, bank accounts are required to access public benefits, including government cash transfers or ration cards/food stamps.

USHA COOPERATIVE BANK, INDIA

Before 1995, sex workers in Kolkata, excluded from mainstream banks, relied on money lenders, who charged up to 300% annual interest rates for loans, and 'madams' or boyfriends to guard the money they earned.

USHA, run by and for sex workers, now provides interest-paying savings accounts and low-interest loans to over 20,000 members. These services facilitate property ownership and relief from high-interest debt for sex workers: From 1995-2011, 34% of loans were used to buy land, repair or construct a home, or start a business, and 12% were used to repay high-interest loans.

USHA has encouraged self-sufficiency, social security and economic independence among sex workers. This has enabled many to transition from sex work, prepare for old age, and pay for school and college for their children.

Sex workers without other identity documents who are USHA members can now use their card to register to vote and access ration cards.

USHA also provides income sources to ageing and disabled sex workers.

³ UNFPA, UNAIDS & APNSW, 2012, "[The HIV and Sex Work Collection; Innovative Responses in Asia and the Pacific](#)," 86.

⁴ Kate Doyle, "[Banks refusing to give sex workers accounts: 'It's ridiculous'](#)," Radio New Zealand, 24 July 2018.

⁵ "[Platforms Which Discriminate Against Sex Workers](#)," Survivors against Sesta.

⁶ NSWP, 2017, "[Policy Brief: The Decriminalisation of Third Parties](#)."



may also impede sex workers' ability to prove income to obtain formal rental agreements or mortgages to purchase property. Sex workers, unable to access mainstream housing, are often forced to rely on secondary housing markets, where they lack formal contracts as renters and often pay significantly higher rates.

Criminalisation and exclusion from legal ownership combine to allow state seizure of sex workers' property and their eviction. In Bangladesh and Indonesia⁷, mass evictions of sex workers and demolitions of red-light districts occurred without community consultation and have left thousands of sex workers without arrangements for alternative housing or compensation for property. In Indonesia alternative housing is sometimes offered, but sex workers who lack local residency ID cards are offered nothing more than "money and a bus ticket 'home'." In Bangladesh, Sex Workers Network reported that after eviction, "the government hands over ... a sewing machine to the sex workers, in the name of 'rehabilitation'. [They] don't even bother to know whether we can sew or not."⁸

Housing instability significantly increases sex workers' vulnerability to sexual and physical abuse and violence. It also serves as a barrier to accessing financial services, voter cards, and public benefit and social protection schemes, which often require proof of a residential address.

Exclusion from work-related social protection systems and denial of labour rights

Sex workers, like many other informal sector workers, are often excluded from social protection systems: they are frequently excluded from labour standards that establish safe work conditions, maximum work hours, the right to collective bargaining and minimum wages⁹. They are excluded from entitlements normally afforded to formal sector workers, such as compensated disability payments and sick or parental leave. Globally, most social protection schemes, ranging from social security and pensions to health and unemployment insurance, are connected to employers, excluding sex workers and other informal workers. Laws that criminalise third parties, and the persistent failure of governments to recognise sex workers as workers, amplify these common barriers.¹⁰ Where third parties are criminalised, sex workers are denied the protections afforded by formal contracts with employers. Sex worker unions may be criminalised, or courts and governments may refuse to recognise sex workers' right to form unions. Sex worker unions, even when allowed, are often excluded from trade union congresses.

"[E]mployment contracts or contractual obligations are not acknowledged in the justice system as being valid. The Suppression and Prevention of Prostitution Act 1996 and the Suppression and Prevention of Human Trafficking Act 2008 both prohibit any such financial transactions. This leaves [sex] workers further isolated from labour protection and redress while employers are free from...responsibilities to their workers."
-Empower, Thailand

Bangladeshi sex workers have repeatedly, successfully challenged evictions in court, yet continue to suffer mass eviction. In 2000, the High Court declared this an unconstitutional deprivation of livelihood and life. Yet in 2014, over one thousand sex workers were evicted from the Tangail brothel. Sex workers again filed a legal challenge, and the court ruled in their favour as they held title deeds for approximately 60% of Tangail brothel land. However, the ruling only gave them the right to live but not work there. Despite this victory, sex workers homes and workplaces in other areas remain threatened.

CRIMINALISATION DRIVES ECONOMIC INSECURITY

Criminalisation of sex work directly and indirectly causes poverty, vulnerability and social exclusion. Directly, sex workers face extortion from (and must pay bribes to) the police. They face high administrative fines, bail fees, legal fees and court fees. They lose income while in detention, and their property is confiscated by the state as proceeds of crime.

⁷ NSWP, 2016, "[Another Red-Light Area Closes in Indonesia](#)"

⁸ NSWP, 2013, "[Sex workers in Bangladesh evicted in gentrification drive; offered 'rehabilitation'](#)"

⁹ ILO, 2014, "[ACCESS to and EFFECTS of Social Protection on Workers living with HIV and their Households: An analytical report.](#)"

¹⁰ Empower, 2016, "[Moving Toward Decent Sex Work.](#)"



The criminalisation of sex workers' clients, often proposed as a measure to 'protect' sex workers, fosters economic insecurity and marginalisation, especially amongst outdoor and migrant sex workers. In a recent study in France, nearly 80% of sex workers reported that their income had decreased since paying for sex was criminalised in April 2016, and nearly two thirds reported that their quality of life had deteriorated.¹¹

Indirectly, criminalisation excludes sex workers from accessing banking and social protection systems, as sex workers fear doing so could lead to arrest, detention and loss of property. Criminalisation of third parties in essence criminalises sex workers working together and organising for better working conditions, excludes sex workers from formal labour protections, and fosters stigma and discrimination.

SEX WORKER-LED ORGANISATIONS ENABLE ECONOMIC SECURITY

Sex worker-led collectives and organisations like the USHA Cooperative in India serve a variety of functions in protecting sex workers from economic marginalisation, vulnerability and social exclusion. They create safe alternatives to private and public systems that exclude sex workers and are often able to link sex workers with existing financial institutions and resources.

These groups challenge court fines, police extortion, and other practices that contribute to the economic insecurity of sex workers. They engage in advocacy and support legal action when sex workers' homes are threatened. They call out practices of police extortion and offer legal aid to sex workers, reducing the social marginalisation caused by criminalisation.

RECOMMENDATIONS

Social Protection Systems for sex workers must:

- Enable sex workers to obtain identity documents, and other documentation, that are required to access a wide array of public and private resources.
- Promote non-discriminatory access for sex workers to credit, loans, savings and other financial services.
- Address discrimination in housing and barriers to property ownership amongst sex workers; they must support sex workers in obtaining formal, legal documentation of ownership, and provide legal support to sex workers facing eviction or the seizure of property.
- Recognise sex work as work and expand social protection systems to informal sector workers, including sex workers. They must promote awareness of and enrolment in state-run social protection systems (such as public health insurance and social security) among sex workers and other informal sector workers.
- Support and recognise sex worker collectives and unions, and meaningfully involve sex worker-led organisations in decision-making.
- Provide financial support to enable sex worker-led organisations to develop their own economic empowerment programmes. Such initiatives would address structural drivers of economic insecurity and social marginalisation, support recognition of sex workers' labour rights, link sex workers with public social protection systems, foster non-discriminatory access to housing, property ownership, credit, loans and other financial services and facilitate supplementary as well as alternative employment opportunities.
- Promote the full decriminalisation of sex work, including clients and third parties, as a necessary step to promoting sex workers' economic empowerment and social inclusion.

¹¹ Médecins du Monde, 2018, "[Study on the impact of the law from 13 April 2016 against the "prostitution system" in France.](#)"



Project supported by:



NSWP is an alliance partner of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: www.hivgaps.org for more information.

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