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Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

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, and the rise of conservative governments lead 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.

Migrating for Work

Migrant sex workers are often driven to migrate by structural inequalities as well as the urge to escape state failings. In almost every region surveyed, migrant sex workers reported moving to higher income countries or regions to seek economic opportunity. 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. They may find themselves excluded from other work due to language difficulties and the non-recognition of previous experience and qualifications as well as being unable to find declared work due to being undocumented.

Stigma and Discrimination

In search of a better life, migrant sex workers encounter increased barriers to the realisation of their human rights. 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. Even within countries where sex work is regulated or decriminalised, migrant sex workers report that stigma affects their mental health and family lives. To avoid stigma, migrant sex workers were driven into isolation, making it difficult for sex worker-led organisations to reach them.

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Conflation with Trafficking

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 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 controls.





Migration Agents

Migrant sex workers frequently find ways to negotiate their way around border restrictions and take advantage of the fluidity of some borders. They may be supported by organised agencies who assist sex workers with visas, accommodation and finding clients. Migrant sex workers who used migration agencies reported sometimes having less negotiating power within the workplace. In many cases, third parties and others exploit the undocumented or clandestine status of migrants.

Law and Order

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. 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.

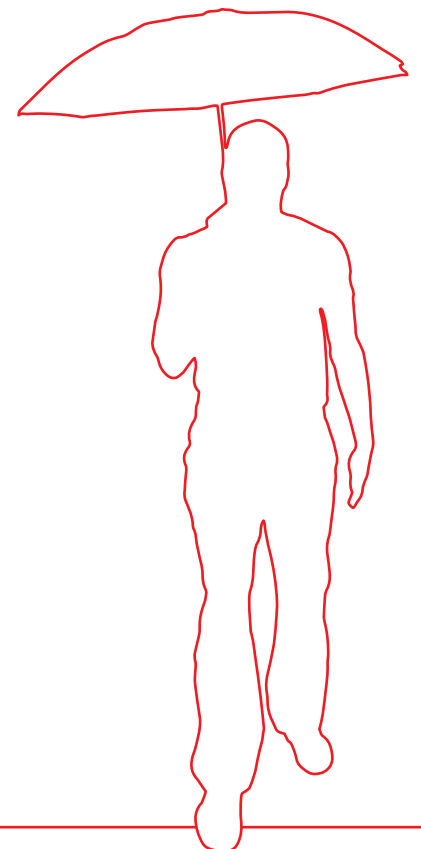
COVID-19

The COVID-19 pandemic worsened the situation of migrant sex workers globally, with most unable to access emergency relief programmes or national social protection. NSW research 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.

Migrant Sex Worker 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.

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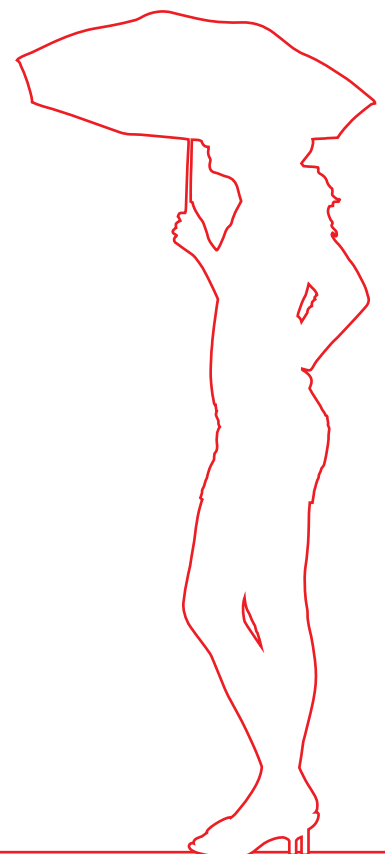




Recommendations

- 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.
- 3 End anti-trafficking responses that conflate human trafficking, sex work and migration or focus on eradicating sex work.
- 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.
- 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.

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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 by using Global and Regional Consultants as well as National Key Informants.

Community Guides aim to provide simple summaries of NSWP's Briefing Papers, further detail and references can be found in the accompanying Briefing Paper.

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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