



nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

**Migrant Sex
Workers**



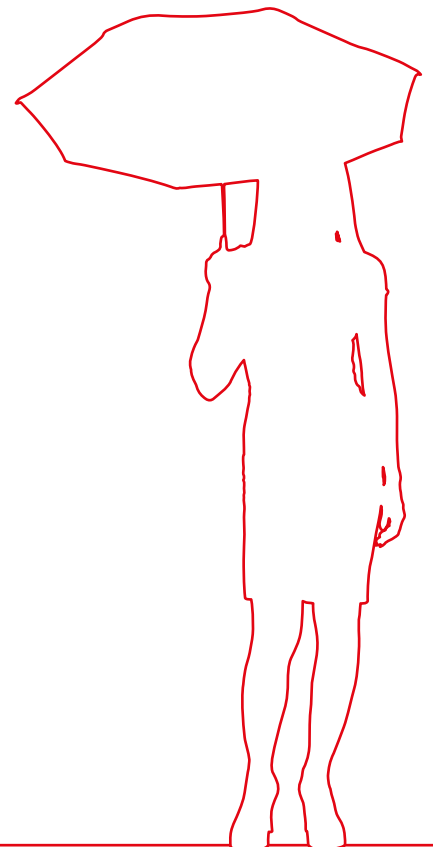


Introduction

This guide addresses the human rights barriers that migrant sex workers encounter as a result of legal restrictions on cross-border movement, employment in the sex industry and on sex work itself. Despite the global trend of increasing mobility, migrant sex workers are still painted as victims or criminals in discourses that conflate sex work with human trafficking. Consequently, migrant sex workers are rarely viewed as part of global labour migration flows. However, under the Migrant Workers Convention, sex workers who move across borders are indeed labour migrants, often driven to move in order to escape local inequalities – particularly economic and legal – in search of destinations that allow them to earn higher incomes, work safely, and live in a context where their human rights are respected. Regardless of their migration status or nationality, their rights are protected by such instruments as the ICCPR and ICESCR, as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Migrant sex workers responding to NSWP's global consultation emphasised their need to escape gender inequality and regimes that criminalise them for their work, their gender identities, and their sexual orientation. Like many other migrant workers, they leave home to escape discrimination and poverty, and to seek a better life and income abroad. They contribute to local economies where they work, and send home remittances that enhance the economies they left behind. Yet around the world, migrant sex workers continue to be a largely invisibilised and stigmatised population. They lack services and information on their rights, and where services are available they are often limited and severely under-resourced. Migrant sex workers face heightened levels of risk across all the vulnerabilities that sex workers typically encounter, while simultaneously having no access to justice because the authorities that should protect them are those that threaten to deport them. Anti-trafficking efforts do nothing to improve this situation, as they expose migrant sex workers to increased harassment from the authorities. These factors serve to undermine the autonomy of migrant sex workers, rather than empowering them. Legal and policy reform is urgently needed to change this.

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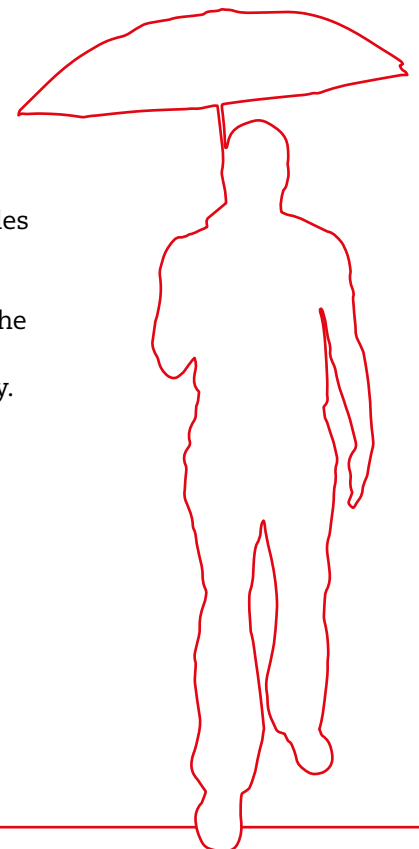




Recommendations

- 1 Recognise that migrant sex workers are migrant workers who are best able to contribute to receiving countries when they are able to move and work safely and autonomously. Facilitate safe and legal migration, especially by rolling back restrictive and discriminatory migration laws.
- 2 Remove laws that explicitly prohibit the participation of migrants in the sex industry, as these effectively guarantee their reliance on third parties and render them extremely vulnerable due to the threat of deportation. Enable migrants to apply for the right to work and reside on the grounds of their sex work.
- 3 Decriminalise and recognise sex work as work, and remove legal and policy barriers that create parallel systems of employment for citizens and migrants. Ensure that any laws regulating the employment of migrants also do not directly or indirectly discriminate on the basis of gender, gender identity, sexual orientation, race, ethnicity, or national origin.
- 4 Responses to trafficking must not be used to impose border control and regulate the migration of sex workers. The police and other law enforcement should be sensitised to stop the surveillance, harassment, arrest, and abuse of migrant sex workers, especially racial and gender minorities.
- 5 Ensure firewalled access to social and healthcare services, as well as to the authorities to report abuses, especially for undocumented migrants. Migrant sex workers are often unable to access services even when they know of them because they fear deportation. It is crucial that all migrant sex workers have access to services and to justice without fear of deportation or reprisal.
- 6 Sensitise social and health care workers, as well as other employees of the state, to provide non-judgemental and confidential services to migrants and sex workers alike. Aim to provide these services in multiple languages, so they are accessible.
- 7 Make information on basic rights (especially labour and migration-related rights), social and healthcare services, as well as other living and working essentials (such as how to find housing or pay taxes) available in multiple languages. Recognise that migrant sex workers have diverse needs and are a contributing force in society when they are empowered.
- 8 Make healthcare services more comprehensive. Health is not only the absence of illness, it is wellbeing, and migrant sex workers need healthcare provision that comprehensively fulfils their right to health. This includes psychological and psychosocial support. Sex workers are not vectors of disease; they are on the frontlines of prevention and are contributing members of society.

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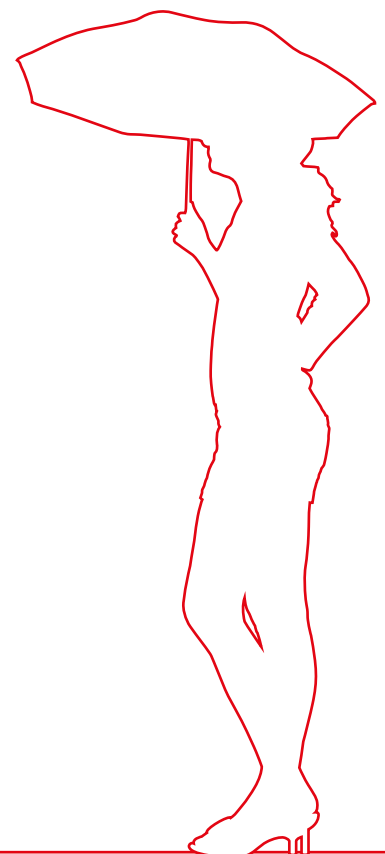


- 9** Fund community-led, low-threshold service provision. Community-led organisations are best placed to provide comprehensive, non-judgemental, and tailored services to their constituencies, yet they are chronically under-resourced. Around the world, migrant sex workers turn to sex worker-led organisations first for all their needs, ranging from healthcare to housing, and including reporting human rights violations. This places community-led organisations on the forefront of preventing exploitation and promoting empowerment.
- 10** Include migrant sex workers in the development and delivery of services and information, and hire them as staff to do outreach work and peer education. This ensures that the services provided and their method of delivery is relevant, respectful, and effective. This also ensures that services and information reach those who are often difficult to reach, such as undocumented migrant sex workers.

General Considerations for Health Services

- Identify gaps in coverage and adapt service provision to harder-to-reach populations, including by developing new contact strategies (e.g. online outreach).
- Recognise that sex workers are not a homogenous group, and respect and understand their diversity and mobility.
- Ensure the availability of services and information in multiple languages as needed, and that services are tailored, relevant, and culturally sensitive.
- Protect and respect the right to non-judgemental and confidential services.
- Hire sex workers as staff to facilitate access to services and information and as community mediators who link migrant sex workers to other services or institutions.

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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 NSWSP's Briefing Papers, further detail and references can be found in the accompanying Briefing Paper.



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PROJECT SUPPORTED BY:



NSWP is part of Bridging the Gaps – health and rights for key populations.

Together with almost 100 local and international organisations we have united to reach 1 mission: achieving universal access to HIV/STI prevention, treatment, care and support for key populations, including sex workers, LGBT people and people who use drugs.

Go to: www.hivgaps.org for more information.

