**Submission: Response to joint questionnaire of special procedures**

**Subject: Protecting human rights during and after the COVID-19: Joint questionnaire by Special Procedure mandate holders**

**Date: 18th June 2020**

NSWP is a global network of sex worker-led organisations, with over 280 members in 85 countries, that exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers.

NSWP welcomes the opportunity to submit a response to the joint questionnaire from the Special Procedure mandate holders. The content of our submission focusses mainly on the **common questions** in the questionnaire, specifically the impact on human rights, information on the availability of health services, and social protection. However we have also incorporated additional content relevant to some of the specific questions asked by the Special Rapporteurs on extreme poverty and human rights (**Mr Olivier De Schutter**), on the rights to food (**Mr Michael Fakhri**), and on the right to adequate housing (**Mr Balakrishnan Rajagopal**).

**Introduction**

As with other health crises, the consequences of the COVID-19 outbreak are felt most acutely by those already criminalised, marginalised and living in financially precarious situations. The COVID-19 pandemic has had widespread and severe consequences for female, male and transgender sex workers.

As a result of the COVID-19 pandemic, sex workers all over the world are experiencing extreme hardship, a total loss of income and increased discrimination and harassment. The criminalisation of various aspects of sex work in the majority of countries serves to magnify the already precarious situation of sex workers in the informal economy. As sex workers and their clients self-isolate, sex workers are left unprotected, increasingly vulnerable and unable to provide for themselves and their families.

NSWP is documenting and reporting to international policy makers about human rights abuses through our [COVID-19 Impact Survey](https://www.nswp.org/news/nswp-launch-covid-19-impact-survey), ensuring the needs of sex workers are not ignored during this pandemic. As at the date of this submission we have received 156 responses from 55 countries, the majority in Global South countries. Many national and regional sex worker-led organisations have published their own calls for action, and [emergency funds](https://www.nswp.org/page/sex-worker-community-responses) have been set up by sex workers for sex workers, in the absence of government or other donor support.

NSWP’s survey is still ongoing as the impacts change as time passes, the virus progresses and restrictions change. However, we can already **highlight some examples** across all of our regions – based on the early responses.

**Impact on human rights**

NSWP is extremely concerned at reports of **human rights abuses** in the form of punitive crackdowns against sex workers.

UNAIDS have emphasised that [COVID-19 responses must uphold and protect the human rights of sex workers.](https://www.unaids.org/en/resources/presscentre/featurestories/2020/april/20200424_sex-work) “With sex work criminalized in almost every country, sex workers are also more vulnerable to punitive measures linked to the enforcement of COVID-19 regulations. Increased policing can expose sex workers to more harassment and violence, and **in several countries has already led to home raids, compulsory COVID-19 testing and the arrest and threatened deportation of migrant sex workers.** For those who are driven to the streets by homelessness, as has become the case for many brothel and migrant sex workers, the lack of support means little safety or means to follow through on government requirements.”

Winnie Byanyima, Executive Director of UNAIDS [stated](https://www.unaids.org/en/resources/presscentre/featurestories/2020/april/20200424_sex-work): “Human rights law mandates that human rights are inalienable, universal, interdependent and indivisible. Ensuring that this is a reality for all—especially the most vulnerable among us—is essential during this pandemic, but will also build the resilient communities we need to emerge from it.”

In [Uganda](https://www.nswp.org/news/ugandan-sex-workers-are-targets-violence-and-further-criminalisation-amid-covid-19-spread), the Uganda Key Populations Consortium (UKPC) and other civil society organisations released a statement strongly denouncing raids, arrests, extortion, and violent attacks targeting sex workers, barmaids and other vulnerable communities by police, and other law enforcement officials during the COVID-19 response. “Over the last 14 days, we have received reports of 117 women [sex workers] who have been arrested—and 71 of those have been within the last 24 hours through raids in Lira, Wakiso, Masaka, Kampala, Oyamu, Mbale, Nakasongola and Kasese. Sex workers are being targeted with violence, blackmail, and arrest by police,” said Kyomya Macklean, Executive Director of the Alliance of Women Advocating for Change, an umbrella network of grassroots sex worker-led organisations. She pointed out that “HIV positive sex workers and their children are already struggling to get HIV treatment refills, PrEP, STI treatment and contraception because of poor government planning. Now they are being brutalised and traumatised, and forced to choose between starving, isolated with no income or working while risking their own health and safety. Enough is enough. Human rights violations are spreading faster than COVID-19 in Uganda.” The Ministry of Health’s focus on testing of cargo transporters and truck drivers led directly to violence and arrests of sex workers.

The **stigma and discrimination** faced by sex workers as a result of criminalisation also plays an insidious role in exacerbating the impact of COVID-19 on sex workers. In **Argentina** on 4th June the Argentinian Ministry of Social Development (Ministério de Desarrollo Social de la Nación) launched an online registry called Registration for Popular Economy Workers ([Renatep](https://www.argentina.gob.ar/desarrollosocial/renatep)). This registration scheme was intended to ensure that informal workers could access social benefits, including access to an emergency fund set up to address loss of income during the COVID-19 crisis. “Trabajadores Sexuales” (sex workers) was one of the categories that was included in the scheme and that fact that more than 800 sex workers applied within the first 5 hours of its launch indicated the huge impact of the epidemic on sex workers. However, an order to remove sex workers from this scheme was given by Gustavo Vera, director of the Executive Committee Against Human Trafficking and Exploitation (Comité Ejecutivo de lucha contra la Trata y Explotación de Personas y para la Asistencia a las Victimas) after pressure from fundamental feminists and abolitionist groups. An [online petition](https://docs.google.com/forms/d/e/1FAIpQLSdQ1gNO8_ChTtugg9VtoklH8sJKanswi2WkudYilIIdURVWuQ/viewform?fbclid=IwAR2rswX_u0CT2SVSJpSy_wDSJb6IMEYMkBxC5PZgJhbu8la6eHp7ha5xiz8), to Minister Daniel Arroyo (Minister for social development), has been launched demanding that this dangerous and discriminatory exclusion is reversed. This has already been signed by thousands of civil society organisations, NGOs, academics, activists and individuals.

**Availability of health services**

Sex workers have been reporting problems and reduced access to essential health services, condoms, prevention services, STI testing and treatment, essential medicines (HIV ARV supplies), including transport challenges in collecting medication, etc. NSWP are liaising with our partners in UNAIDS, UNFPA and UNDP, including though their country offices, to try to address these as we receive reports.

Sex workers are disproportionately affected by HIV. The Lancet “[HIV and Sex Work Series](https://www.thelancet.com/infographics/HIV-and-sex-workers)” reported that “Globally, HIV prevalence among female, male, and transgender sex workers is estimated to be 14, 18, and 34 times higher than HIV prevalence of the general population”. As such, access to commodities for HIV prevention, detection and treatment is critical to the health and well-being of sex workers around the world. The COVID-19 pandemic has further impacted sex workers’ ability to access HIV services and treatments.

In [Bangladesh](https://www.nswp.org/news/covid-19-impact-bangladesh), [El Salvador](https://www.nswp.org/news/covid-19-impact-el-salvador), and [Senegal](https://www.nswp.org/news/covid-19-impact-senegal), sex worker-led organisations have reported on the reduced access experienced by sex workers to essential health services and commodities such as condoms and lubricants, harm reduction services, and HIV and STI testing and treatment.

In Eswatini, Voice of Our Voices report that, “for those who are on HIV treatment, it is hard to meet their visit days as there is no transport. For prevention commodities, it is hard to reach them.”

In Ecuador, the Colectivo Flor De Azalea (the Association of Women Sex Workers) has highlighted the sudden lack of support and access to basic services that sex workers face. “Women sex workers have suffered a great impact due to the health emergency. We do not have money for food, rent, medicine; health services are closed. There is no access to condoms—colleagues have died due to COVID-19.”

Whist we are still compiling all the data from our survey across all of our regions, we can already report that sex workers and sex worker-led organisations in all regions are reporting: reduced access to condoms and lubricants; reduced access to harm reduction services; reduced access to HIV treatment; and reduced access to STI testing and treatment. For example, in Asia Pacific we have received reports of reduced HIV treatment in Australia, China and Vietnam, and reduced access to condoms and lubricants in Australia, Bangladesh, China, Thailand and Vietnam. In Europe, reduced access to HIV treatment has already been reported in Norway, Romania, United Kingdom and Ukraine, reduced access to condoms and lubricants in Austria, Bulgaria, France, Germany, Romania, Russia, Spain, Switzerland, Ukraine, and the United Kingdom.

Additionally, [this article](https://www.opendemocracy.net/en/5050/sex-workers-abandoned-as-covid-crackdowns-undo-africas-hiv-efforts/) from Open Democracy highlights the disruption to supply chains, transport networks and the provision of ARVs and the impact on sex workers. Their interviews in five African countries (Uganda, Kenya, South Africa, Nigeria and Mozambique) found “that the most disrupted HIV-related services are those meant to prevent new infections, especially among populations considered most at risk of HIV – including sex workers.” The epidemic has badly affected the ability of community outreach, clinics and drop-in centres that provide HIV programming. The article states that “sex workers have been abandoned as COVID crackdowns undo Africa’s HIV efforts, worsening the continent’s HIV epidemic and destroying HIV services, with sex workers facing hardship, illness and death.”

**Social protection (including food and secure housing)**

Around the world, sex workers are being forgotten in government responses to the COVID-19 crisis.

Sex worker-led organisations from all regions are reporting a lack of access to national social protection schemes and exclusion from emergency social protection measures being put in place for other workers. Whenever and wherever possible, sex workers are responsibly self-isolating in response to governments’ calls. However, when they are excluded from social and economic protection, sex workers are faced with putting their safety, their health and their lives at increased risk just to survive. For those who are driven to the streets by homelessness, as has become the case for many brothel and migrant sex workers, the lack of support means little safety or means to follow through on government requirements.

The criminalisation of sex work in most countries also poses particular challenges for accessing government support and magnifies the already precarious position of sex workers in the informal economy. In the United States of America, SWOP-Tucson (the Sex Workers Outreach Project) explained that, “many of these schemes require proof that employment has been lost or reduced as a result of COVID-19. Because sex work is criminalised, it’s not possible to provide necessary paperwork and proof of unemployment or hardship. Thus, sex workers can’t get rent/mortgage relief, utility payment abatements or unemployment checks.”

“Sex work is illegal in Vietnam so there is no specific support for sex workers from government.” - Sex worker, Vietnam.

“Being criminalised, sex workers are denied status as workers so we are denied the rights and entitlements other workers may have. Sex workers have lost their income and many are destitute, homeless, in debt…Sex workers are having to choose between earning an income and risking their own and their loved ones’ health”– English Collective of Prostitutes, United Kingdom.

Even in countries where sex work is legalised to some degree, many sex workers are finding that the system of benefits extended to workers in the formal sector does not include them. This is the case in Germany, for example, where sex workers highlight the barriers to accessing support for anyone living outside of the system. “While the government has provided a package for (registered) freelance workers, sex workers have not been in any way addressed in particular, and there is no potential for anyone living here illegally to access money from them.”

Even where governments in a few countries have arranged emergency food supply systems, sex workers are often left out of such schemes.

“The emergency food is very, very limited...only 1% poor people can get it. Corruption in distribution is a big challenge…One of the major reasons is stigma and discrimination to sex workers. Sex workers are not considered as like other citizens in the country. Many people believe that it’s not right to support sex workers from moral viewpoint.” – HIV/AIDS Research and Welfare Centre (HARC), Bangladesh.

As the global crisis deepens, sex workers are increasingly faced with the difficult choice of isolation with no income or support or working at a risk to their own health and safety. Another problem has been that the majority of affordable short-term housing opportunities have closed while sex workers struggle to pay rent or pay hotel room fees. This disappearance of short-term housing, coupled with the shuttering of workplaces, has resulted in sudden homelessness for sex workers in several countries, a situation that is especially aggravated for migrant sex workers, many of whom are also finding themselves stranded by border closures.

A sex worker from Germany expanded on the impact of the closure of brothels, bars, and massage parlours, saying, “In the cases where brothels/parlours were closed with migrant workers who would also live temporarily in the parlour – these people were left jobless and homeless.”

**Conclusion**

[UNAIDS](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408_sex-workers-covid-19), in a joint statement with [NSWP](https://www.nswp.org/page/covid-19) in early April 2020, called on countries to take immediate, critical action, grounded in human rights principles to protect the health and rights of sex workers, saying they must ensure:

* Access to national social protection schemes for sex workers, including income support schemes.
* An immediate firewall between health services and immigration authorities in order to ensure that migrant sex workers can access health services.
* Emergency financial support for sex workers facing destitution, particularly migrants who are unable to access residency-based financial support.
* An immediate end to evictions and access to appropriate emergency housing for homeless sex workers.
* Stopping raids on sex workers’ homes and sex work premises and ensuring that all measures to protect public health are proportionate.
* An immediate halt to arrests and prosecutions for sex work-related activity, moving away from punitive measures and criminalisation towards reaching and serving those most in need.
* An immediate end to the use of criminal law to enforce COVID-19-related restrictions, including forced COVID-19 testing and related prosecutions.
* Automatic extensions on visas due to expire as travel restrictions tighten. Immigration detention systems must support detainees in safe accommodation.
* The engagement of sex worker communities in responses—the meaningful involvement of sex worker-led organisations in emergency public health planning groups.