



SUBMISSION:

Women Sex Worker's Human Rights in the Changing World of Work

The Global Network of Sex Work Projects (NSWP) is a global network of sex worker-led organisations, with over 280 members in 82 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.

Sex work is first and foremost an income-generating activity that encompasses diverse workplaces and working arrangements. Sex workers face both enduring and new challenges to securing and upholding their labour rights. Many of these challenges are shared with other groups of workers. As in other economic sectors, inequality, neoliberal social policy, inadequate labour protections and restrictive immigration laws contribute to poor working conditions in the sex industry¹. Sex workers, like many other workers in informal economies, 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 wages. As with other workers, sex workers are often burdened with the requirements of employees, without the benefits and rights to which they should be entitled as employees.

The enduring and pervasive criminalisation of sex work and the failure to recognise sex work as work compounds sex workers' exclusion from labour rights and social protection systems, and results in the systematic violation of their human rights. Where sex workers, their clients, and third parties are criminalised, sex workers are unable to report violence and labour rights abuses² or publicly organise³ for fear of arrest. Lack of 'legal', reportable income impedes their access to government social protection systems, including health insurance, housing, and means-tested assistance as well as private housing, bank accounts, and loans⁴. Criminalisation of third parties prevents sex workers from entering into formal contracts that establish wages, workplace safety standards, and employer contributions to social protection schemes⁵. Sex worker unions are denied formal recognition, and leaders are arrested and convicted under broad anti-trafficking laws⁶.

In addition to these persistent challenges, several new trends are impacting on sex workers' experiences at work. Increasing national and international attention to trafficking in persons, and a dominant anti-trafficking framework that conflates trafficking with sex work, has increased the criminalisation of sex work and the barriers to safe migration that sex workers face. Urban 'renewal' agendas, coupled with the conflation of sex work with trafficking, have intensified policing of outdoor

¹ NSWP, 2019, "[Briefing Note: Social Protection](#)".

² NSWP, 2017, "[Policy Brief: The Impact of Criminalisation on Sex Workers' Vulnerability to HIV and Violence](#)," p. 3.

³ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers](#)," p. 12.

⁴ NSWP, 2019, "[Briefing Note: Social Protection](#)".

⁵ NSWP, 2016, "[Policy Brief: The Decriminalisation of Third Parties](#)," p. 5.

⁶ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers](#)," p. 12.



sex work and resulted in widespread destruction of sex workers' workplaces and homes. New information and communication technology has changed the way that sex workers find clients and connect with each other; however, criminalisation of sex work, and new laws and policies that conflate sex work with trafficking, have impeded sex workers' access to information and communication technology (ICT).

Conflation of Sex Work with Trafficking

The growing conflation of sex work with trafficking in international and national policy and law has entrenched and legitimised the failure to recognise sex workers as workers and as rights-bearers, rolled back progress towards rights-affirming legal and policy frameworks, and expanded policing and criminalisation of sex work. This conflation has further legitimised conservative, neoliberal, patriarchal and xenophobic agendas to control women's mobility and behaviour, 'purify' and gentrify urban spaces, and limit migration.

Laws and policies that conflate sex work with trafficking have mushroomed, increasing the criminalisation of sex work. Introduced in Sweden in 1999, national legislation criminalising the purchase of sexual services in all circumstances spread to Iceland, Lithuania, Nepal, Norway, South Africa and South Korea by 2010 and to Canada, Ireland, Israel, Northern Ireland, France and Serbia by 2018, resulting in economic marginalisation, increased exposure to violence, and a decreased negotiating power with clients⁷. Vague 'anti-trafficking' laws, along with pressure to produce convictions, has increased the prosecution of sex workers and consensual third parties and fuelled raids on sex workers' workplaces.⁸ States continue to criminalise or penalise the sale of sex, even as they portray all sex workers as victims in order to legitimise efforts to suppress the sex industry. Raids on sex worker establishments (which often involve entrapment and the detention and/or deportation of sex workers) are the primary strategy used to identify 'victims of trafficking' and enforce anti-trafficking legislation. During these raids, sex workers are often subjected to physical and sexual violence at the hands of police.

The conflation of sex work with trafficking, coupled with increased xenophobia, has reduced channels for safe and legal migration and increased the targetting and deportation of migrant sex workers⁹. The introduction of harsher visa requirements for migrant entertainment workers by the Japanese government in 2005, and the explicit prohibition of migrants, including migrants on tourist, student, and temporary work visas, from working in the sex industry, by Canada and New Zealand are among many examples of new restrictions on sex workers' movement¹⁰.

In response to anti-trafficking efforts, immigration and border authorities have increasingly targetted women from the global south, often profiling women on the basis of sexist and racist stereotypes. In Australia, where sex work is legalised or decriminalised in some jurisdictions, Asian women arriving on tourist visas have had their luggage searched for "sexy clothing" and phones searched for "sexy messages" by border officers to determine if their intention is to work in sex work.¹¹ According to Empower Foundation, Thailand, community members been prevented from leaving their country by immigration officials due to being "too young and innocent" and detained and separated while traveling to a meeting by Canadian Immigration control, who suspected one woman was the trafficker of the other two women.

⁷ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers](#)," p. 6.

⁸ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers](#)," p. 5, 7.

⁹ NSWP, 2019, "[Briefing Paper: Migrant Sex Workers](#)."

¹⁰ NSWP, 2019, "[Policy Brief: The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers](#)," p. 10.

¹¹ Sharon Pickering et al., "[Hot Pants at the Border: Sorting Sex Work from Trafficking](#)," *British Journal of Criminology*, 54 (2014): 9.



The convergence of restrictive migration legislation and laws criminalising sex work ensures that migrant sex workers are marginalised and targeted by the state¹². Under the guise of anti-trafficking mandates, raids of sex work establishments by immigration authorities have increased, resulting in the deportation of sex workers who do not identify as trafficking victims. In Norway, police legitimise raids and immigration checks by claiming that they are combatting trafficking. In Canada, raids result in the isolation of migrant sex workers from support networks prior to deportation. In Singapore, police frequently raid brothels looking for undocumented migrants, seizing condoms as evidence. In the European Union, most member states use anti-trafficking efforts to limit sex work and migration. These frameworks serve to undermine the autonomy of migrant sex workers while exposing them to increased harassment from the authorities, particularly the police, who raid their workplaces and evict them from their homes. Anti-trafficking laws also often target those who help migrant sex workers, effectively ensuring their complete isolation, even from community-based support structures. Legal and policy reform is urgently needed to change this.

Urban 'Renewal' and Displacement of Sex Workers

Around the world, demographic shifts and changes in forms of work have increased the value of urban space. This has led to large-scale urban 'renewal' projects that almost always, in the name of increasing safety, eliminating crime and 'slum' conditions, displace low-income communities and lead to intensive crackdowns on workers in public spaces, including sex workers.

In cities including Tangail City¹³, Amsterdam¹⁴, Jakarta¹⁵, Mexico City¹⁶, Tel Aviv¹⁷ and Seoul,¹⁸ gentrification and regeneration development agendas and anti-sex work discourse have converged, resulting in the government seizure and demolition or conversion of buildings in red light districts and the eviction of sex workers from their workplaces and homes.

In Bangladesh and Indonesia¹⁹, these 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."²⁰

New Information and Communication Technology

New information and communication technology has expanded and broadened the options available to sex workers for connecting with clients and the sex worker community, preventing violence, and sharing information²¹. However, the criminalisation of sex work and laws that conflate trafficking with sex work have limited the benefits of ICT for sex workers and rolled back the advances created by ICT.

Sex workers have increasingly used social media, dating websites, and sex work-specific websites to find and negotiate with clients, increasing the geographic dispersion of sex workers and reducing

¹² NSWP, 2018, "[Briefing Paper: Migrant Sex Workers](#)."

¹³ NSWP, 2013, "[Sex workers in Bangladesh evicted in gentrification drive; offered 'rehabilitation'](#)."

¹⁴ Geneva Abdul, "[It's Legal to Sell Sex in Amsterdam, But Don't Expect the Same Rights As Other Workers](#)," Foreign Policy, 19 February 2019.

¹⁵ NSWP, 2016, "[Another Red-Light Area Closes in Indonesia](#)."

¹⁶ "[Marchan trabajadoras sexuales y carretilleros del centro histórico por el derecho al trabajo](#)," Indymedia México, 2 May 2010.

¹⁷ NSWP, 2016, "[Tel Aviv sex workers resist gentrification and raids](#)."

¹⁸ Steven Borowiec & Faras Ghani, "[South Korea: Sex workers hit hard by government's crackdown](#)," Al Jazeera, 18 Mar 2018.

¹⁹ NSWP, 2016, "[Another Red-Light Area Closes in Indonesia](#)."

²⁰ NSWP, 2013, "[Sex workers in Bangladesh evicted in gentrification drive; offered 'rehabilitation'](#)."

²¹ NSWP, 2017, "[Smart Service Provider's Guide to ICT and Sex Work](#)."



outdoor and venue-based sex work. Sex workers also use ICT to share resources, report bad clients, and simply connect with each other. This shift has been driven by increased policing of sex workers' workspaces and the destruction and forceable eviction of sex workers from red light districts, as well as the advantages of using ICT. Literacy, familiarity and access to ICT, and knowledge of the local language shape sex workers' use of ICT, and barriers to ICT use persist for older sex workers, migrant sex workers and rural sex workers.

In a global consultation with NSWP members, sex workers described several ways that ICT has improved work conditions for sex workers²². By redefining sex workers' relationships with third parties, ICT has increased sex workers' economic empowerment and agency over when and how they work. Whilst sex workers who use ICT still rely on the support of others for advertising platforms, transportation, security, and workspaces, they are able to control what services they use, what services they provide to whom, and when and how they work. In addition, because online platforms have been less targeted by authorities, sex workers have been able to utilise services for the general public and fees on sex work-specific platforms have been low.

*"All sex workers mentioned that economic violence reduced a lot because there is no middleman in the sex work. Now middlemen are mobile phone and it's not take much money."*²³

-Sex Worker, Myanmar

ICT has also reduced sex workers' exposure to violence, abuse and harassment, decreased exposure to policing and criminalisation, and enabled sex workers to maintain their anonymity from the broader public. At the same time, the geographic dispersion resulting from ICT adoption has, to an extent, increased sex workers' isolation and made traditional, location-based outreach and workers' organising strategies more difficult.

Despite benefits, the criminalisation of sex work, and laws that conflate sex work with trafficking, limit sex workers' ability to utilise ICT to improve work conditions and protect themselves, whilst also creating new risks. Where sex work is criminalised or penalised, use of ICT exposes sex workers to state surveillance, arrest, harassment, 'outing' and deportation of sex workers. State and non-state actors use new technology to share images and names of sex workers, exposing them to violence, harassment and discrimination.

Since sex workers' early adoption of ICT, states have increasingly targeted sex workers' use of ICT through civil lawsuits and threats of criminal charges²⁴. Social media websites and payment processors have increasingly banned sex workers' profiles, and online platforms have been forced to add and increase fees, require proof of identification, and eliminate accessible payment options. These barriers prevent low income and migrant sex workers from accessing online platforms independently, increasing their reliance on third parties. Countries, including India, Canada, and the USA²⁵, have also shut down online sex worker platforms²⁶.

Attacks on sex workers' use of ICT culminated in 2018, when the USA. passed the "Stop Enabling Sex Traffickers Act" (SESTA) and "Allow States and Victims to Fight Online Sex Trafficking Act" (FOSTA), legislation that criminalises online platforms used by sex workers for advertising, information sharing, harm reduction and safety purposes²⁷. Even before these bills were signed into law, online advertising sites had been removed. FOSTA/SESTA has drastically reduced the ability of sex workers to work

²² NSWP, 2017, "[Smart Service Provider's Guide to ICT and Sex Work](#)."

²³ NSWP, 2017, "[Smart Service Provider's Guide to ICT and Sex Work](#)" p. 15.

²⁴ Emily Whitt, "[After the Closure of Backpage, Increasingly Vulnerable Sex Workers are Demanding Their Rights](#)," New Yorker, 8 June 2019.

²⁵ NSWP, "[Male Sex Workers Lose Advertising on Squirt](#)," 23 October 2015.

²⁶ NSWP, 2016, "[Policy Brief: The Decriminalisation of Third Parties](#)," p. 5.

²⁷ NSWP, 2018, "[Briefing Note: U.S.A. FOSTA/SESTA legislation](#)."



independently; advertising and screening clients online, and in turn, has created economic insecurity, increased reliance on third parties, and increased outdoor sex work.

RECOMMENDATIONS AND BEST PRACTICES

Decriminalise sex work: The criminalisation of sex work, including the criminalisation of clients, third parties - as well as sex workers, fuels a wide range of human rights abuses against sex workers. Efforts to promote sex workers' labour rights, increase their economic security, and combat violence against them are all crippled when sex work is criminalised.

Create safe and legal channels for migration: Migrant sex workers are best able to contribute to receiving countries when they are able to move and work safely and autonomously. Restrictive and discriminatory migration laws that explicitly prohibit the participation of migrants in the sex industry effectively guarantee their reliance on third parties and render them extremely vulnerable due to the threat of deportation. These laws are also out of line with the CEDAW Committee's recommendations to repeal direct and indirect discrimination against women in visa schemes, ensure occupations dominated by migrant women workers are granted labour protections, and ensure that women migrant workers have the ability to access remedies when their rights are violated.

Protect sex workers' property and use of space: Neoliberal development agendas and urban gentrification programmes have had devastating impacts, not only sex workers but also other marginalised urban communities and informal economy workers in public urban spaces. These communities have faced property seizure or coerced relinquishment at extremely low prices, police harassment, fines and arrest, and they have been displaced to the margins of cities, away from resources and infrastructure. There is a strong need to ensure that urban 'development' respects and protects the rights of marginalised workers and communities.

Provide funding for sex worker-led ICT initiatives: ICT can help protect sex workers from violence, abuse and harassment, including by enabling them to find, screen and negotiate with clients more effectively. It can also reduce their reliance on third parties. However, criminalisation also results in increased risks from ICT, as it can also be used for increased surveillance, harassment and targeting of sex workers. The use of ICT to find and track sex workers, and the use of biometric data in service delivery, even if the intent is to provide information and services, carries huge risks for sex workers in the context of criminalisation. Recent high-profile data breaches, as well as the FOSTA/SESTA legislation, have highlighted the risks inherent within ICT initiatives. "Clearer policies that address the use of biometrics in HIV surveillance activities and are responsive to ethics and human rights concerns are needed."²⁸

Investment is badly needed in sex worker-led ICT projects, for example the development of human rights monitoring apps, apps for rapid organisational responses to violence (not police alerts in criminalised contexts), 'bad date' and 'buddy' system apps, online community support groups, alert apps for reporting recent police activity and raids, and providing information on laws and rights. Sex workers must play a key role in shaping new interventions, and tech developers should work collaboratively with sex workers and provide ongoing technical support. Investment in computer skills and secure internet hubs for sex workers, particularly in the Global South is also required.

Confidentiality, as well as data security and ownership, is of **paramount** importance and therefore only tools with strong built-in security that are audited to the highest standards should be used. Access

²⁸ Matthew M Kavanagh et al., "[Biometrics and public health surveillance in criminalised and key populations: policy, ethics, and human rights considerations](#)," The Lancet, 2018.



to services without the requirement of legal names, mobile numbers, identity documents must be ensured.

Meaningfully involve sex workers in the development of occupational health and safety

standards: Regulations developed without meaningful participation of sex workers often repress sex work and subject sex workers to patronising restrictions. In contrast, regulations created by and for sex workers are an invaluable tool for ensuring safe workspaces and avenues of recourse.

In New Zealand, local government, and the New Zealand Departments of Labour, Health and Police collaborated with the New Zealand Prostitute's Collective (NZPC) to develop a Guide to Occupational Health and Safety in the New Zealand Sex Industry²⁹. Sex workers in Thailand and the United States have developed similar guides, although these guides are not enforceable as sex work is criminalised.

Ensure access to justice: Around the world, sex workers are arrested, deported, and turned away when they report violence or exploitation. Even where sex work is criminalised, states must provide sex workers with immunity when reporting crimes against them, and they must ensure that sex workers are protected under existing labour laws.

Support sex worker-led programmes to facilitate sex workers' access to justice: Isolation, stigma and discrimination, and lack of information create barriers to sex workers' accessing to justice, even when sex work is not criminalised. Sex worker-led programmes to educate sex workers of their workers' rights and support access to justice can overcome these barriers.

In New Zealand, sex workers have had access to employment mediation services such as the Disputes Tribunal and the Human Rights Commission since passage of the Prostitution Reform Act in 2003. NZPC is at the heart of educating sex workers' on their workers' rights and supporting access to recourse when these rights are violated. NZPC 'community bases' provide free 'new worker packs' that include the sex worker manual, Stepping Forward which has tips on working safely, resolving disputes, working with management and dealing with sexual and physical assault³⁰. When a sex worker experiences violations, NZPC is usually the first port of call for sex workers; they advise and support sex workers in dealing with problematic working conditions and provide support in accessing these systems.

In India, where sex work is criminalised, Veshya Anyay Mukti Parishad (VAMP) has developed a comprehensive system of committees organised and monitored by sex workers themselves, to combat trafficking and uphold sex workers' labour rights³¹. The system ensures that no underage or trafficked individuals are working within the community. The committees also address disputes such as low payment by brothel owners, withholding of payments, dealing with local thugs who may try to harass sex workers, clients who are drunk, and fights between brothel owners and clients. VAMP refers individuals who are suspected to be victims of trafficking to the police. By working with police, VAMP has developed alliances and support from police in combatting the conflation of sex work with trafficking and 'raid and rescue' approaches.

Integrate sex workers' organising and service provision into workspaces: Limited time, care responsibilities, isolation and past experiences of discrimination and criminalisation can all impede sex workers' ability to organise and access services. Working with venues and online platforms can create accessibility.

²⁹ NSWP, 2017, "[Policy Brief: Sex Work as Work.](#)"

³⁰ NSWP, 2018, "[Smart Guide: Advocacy Tools and Resources Used by Sex Worker-Led Organisations to Combat Violence.](#)" p. 6, 10-11, 23.

³¹ NSWP, 2017, "[Policy Brief: Sex Work as Work.](#)" p. 8.



Thai sex workers, under the banner of EMPOWER Foundation, have created a working model of a just, fair workplace: the Can Do Bar in Chiang Mai³². Unlike other entertainment venues in Thailand, the Can Do Bar complies with Thai Occupational Health and Safety Standards. Staff are employed in accordance with the Thai Labour Protection Act and are enrolled in the National Social Security Scheme. The Can Do Bar also provides opportunities for skill advancement and promotion. Although as yet there is no formal union or association, the workers regularly meet and are pivotal in guiding changes in the workplace.

Partnerships with online platforms where sex workers advertise can help connect geographically dispersed sex workers to resources, information, and workers' organising. My Redbook, a review and advertising website for female sex workers in the USA, had a separate, closed discussion forum and bad date list for sex workers, and sex worker-led organisations used the website to reach out to other sex workers³³. Rentboy, an advertising website for male escorts, also organised events which reduced stigma for sex workers and connected sex workers to each other and supported Hook Online, a non-profit with a harm reduction website that ran courses that provided sex workers with information about sexual health, safety, legal rights and financial management³⁴. Both websites were seized and shut down by the United States' government, and owners were arrested.

Utilise holistic approaches to sex workers' organising: Providing holistic services, capitalising on informal sex worker networks through peer support, and offering multiple connection points can help engage diverse sex workers in organising. For example, Project X, Singapore, uses both online outreach and in-person outreach to hotspots. Sex workers can access safe sex supplies, legal services, counselling, yoga, and HIV/STI testing and treatment at Project X's community centre³⁵. At the centre, they can also become involved in advocacy and organising, and Project X's Human Right's Defender Program includes training on digital storytelling, community mental health, HIV, law and human rights.

In South Africa³⁶, sex workers can connect with SWEAT and Sisonke during outreach to hotspots, at the organisations' offices, via a 24/7 hotline and during group sessions called "Creative Spaces," which run for three hours and are held in an office, tavern, or brothel, as locally appropriate. Creative Spaces further provide opportunities for sex workers to share ideas, exchange contact information and set up local WhatsApp groups to communicate. Sex workers can use these groups to meet whatever needs they have, whether to share information about a bad date, seek childcare support, or just connect with other sex workers. Sex workers who become part of Sisonke can then get involved in organising, advocacy and service provision.

In Mysore, India, Ashodaya Samithi began in 2004 as a drop-in centre with mobile rapid response (including outreach, a hotline, and immediate support at police stations) operated by academics and health care providers³⁷. Drawn to the centre to access services, sex workers' isolation decreased, and sex workers began to organise formal meetings and develop strategies to address problems they faced. Ashodaya offered capacity-building to both develop community-sensitive programmes and increase sex worker ownership of programmes. Over time, sex workers took over the rapid response team and other activities. In 2009, Ashodaya developed a self-regulatory board consisting of sex workers, law enforcement, and social service stakeholders modelled on the board VAMP developed, discussed above. Sex workers involved are trained as paralegals, and the organisation engages in a wide range of service provision and worker-led advocacy.

³² EMPOWER Foundation, 2016, "[Moving Toward Decent Sex Work: Sex Worker Community Research: Decent Work and Exploitation in Thailand.](#)"

³³ NSWP, "[Operator of MyRedbook.com Gets 13-Month Jail Sentence.](#)" 28 May 2015.

³⁴ Ryan Shea, "[Rentboy's COO Hawk Kinkaid On The Industry & More.](#)" 05 November 2019.

³⁵ Project X, "[Programs.](#)"

³⁶ NSWP, 2018, "[Smart Guide: Advocacy Tools and Resources Used by Sex Worker-Led Organisations to Combat Violence.](#)" p. 6, 7, 10, 28-29.

³⁷ NSWP, 2018, "[Smart Guide: Advocacy Tools and Resources Used by Sex Worker-Led Organisations to Combat Violence.](#)" p. 26-27.



Support alternative social protection schemes: Sex workers are discriminated against by bank systems and are excluded from pension systems based on formal employment. Banking, loan, and pension systems for sex workers and other workers in informal economies can ameliorate some of these issues. USHA Cooperative Bank, in India, is a strong example. Before 1995, sex workers in Kolkata, India were excluded from mainstream banks and relied on money lenders, who charged up to 300% annual interest rates for loans, and 'madams' or boyfriends to guard the money they earned³⁸. USHA, run by and for sex workers, 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.

³⁸ NSWP, 2019, "[Briefing Note: Social Protection](#)," p. 2.