



Safeguarding the human rights and dignity of undocumented migrant sex workers

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Executive Summary

This paper outlines and addresses the particular circumstances and impacts of criminalisation frameworks on the human rights and dignity of undocumented migrant sex workers. Understanding the intersection of the criminalisation of migration and criminalisation of sex work enables an approach which safeguards the human rights and dignity of undocumented migrant sex workers.

A number of undocumented migrants work in sex work. They face multiple layers of discrimination, social exclusion, stigma and poverty, due to their migration status and their occupation (as well as any other intersectional forms of discrimination including gender, ethnic or social origin, sexual orientation or gender identity, disability, etc.).

PICUM's concern is not about the judgment of sex work itself, but whether undocumented migrant sex workers have protections and their rights upheld. As more people fall into irregularity across Europe, more undocumented migrants will likely engage in sex work for survival and to generate an income. It is therefore important that PICUM outlines how criminalisation frameworks exacerbate the myriad issues faced by undocumented migrants and works to reduce the harmful impacts of these frameworks.

PICUM has worked for eighteen years to address the impacts of criminalisation frameworks on undocumented migrants. Over the past four years, PICUM has had discussions with organisations working with undocumented migrants selling sexual services, both within and outside of PICUM's membership, including sex worker-led organisations. Several workshops on the challenges facing undocumented migrant sex workers were held at PICUM's Annual General Assemblies, in 2016, 2017, 2018 and 2019. During the same time period, dedicated sessions on this issue were held within PICUM's Executive Committee, and having considered the available evidence, this paper is a result of this process. The paper concludes that criminalising the purchase and facilitation of sex work impacts negatively on sex workers, and that the impacts are multiplied when sex workers are undocumented migrants.

Being an undocumented sex worker adds a layer of discrimination, social exclusion and precarity vis-à-vis public services and authorities. Many undocumented sex workers experience theft, violence, harassment, exploitation, evictions and homelessness. They are unable to report crimes to the police without risking deportation, and police are sometimes the perpetrators of violence. They have limited access to essential services including health care, and face immense barriers to accessing protection and justice. Undocumented sex workers are disproportionately subject to police harassment and targeted for immigration enforcement, including as a result of anti-trafficking initiatives.

A holistic response is needed to address the human rights violations and lack of opportunities faced by undocumented migrant sex workers. Reforms of policies addressing poverty and discrimination, social services and security, labour rights, immigration and housing, among others, are all needed to provide people with the resources and security they need, both while they are sex workers, and so they don't have to engage in sex work. Within this, decriminalisation is one of the crucial steps to support the empowerment, human rights and dignity of sex workers. Nonetheless, PICUM will continue to engage in dialogue and work with those of our members and partner organisations with different approaches, focusing on areas of shared concern and action.

Introduction

Diverse views exist on sex work, and responses are contested and highly politicised. Some see it as a form of “violence against women”, and consider that the best way to protect sex workers is to attempt to eradicate sex work. Others see sex work as a more complex social reality. Whilst acknowledging the violence and abuses often associated with the sex industry, PICUM’s approach moves beyond viewing sex workers as victims and considers that attempting to protect sex workers’ rights is the best way to empower individuals and address abuse.

Motivations for engaging in sex work are multiple and complex. The causes lie beyond the narrow frame of male demand for paid sex. These include: unequal access to education, healthcare, housing and social support; the normalisation of casual, low paid and precarious employment; discriminatory immigration policies which increase the vulnerability of certain migrants; as well as the choices made by many sex workers, without other external pressures or coercion, to take up an alternative form of work due to financial incentive and independence.

Terminology

For the purpose of this discussion paper, the following terms are used¹:

“Sex work” refers to the exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration² with the terms agreed between the seller and the buyer. Situations where an agreement is broken or consent is absent or rescinded for reasons including threat or use of force, deception, fraud and abuse of power, or where a child is involved, such activity would constitute a human rights abuse, which must be treated as a criminal offence.

“Sex worker” refers to adults, aged 18 and older³ of all genders who receive money or goods in exchange for the consensual provision of sexual services, either regularly or occasionally. A sex worker may be the victim of abuse, but the term ‘sex worker’ is not used to refer to victims/ survivors of sexual exploitation and abuse who are not sex workers or would not identify themselves as such.

Use of terminology is closely linked to the different legal and policy approaches towards sex work. The terms ‘sex work’ and ‘sex workers’ are commonly used by those advocating legal and policy approaches that focus on the human rights of sex workers, including by sex worker organisations and international organisations such as the WHO and UNAIDS. The terms emerged in the late 1970s and 1980s to unite sex workers of all genders, classes, and sectors of work; to recognise that people engaged in commercial sex do so as an income-generating activity and support inclusive organising; and to challenge negative stereotypes, including those associated with the terms ‘prostitution’ and ‘prostitute’.⁴ While some sex workers also refer to themselves as ‘prostitutes’, it is generally considered to have negative connotations,⁵ be stigmatising and correlate with criminalisation, and so contribute to exclusion from services and abuse.

Those trying to eradicate all types of sex work through criminalisation generally reject the term ‘sex work’ because they reject the concept that sex can be a form of work. Sex work is then framed as a form of violence and the terminology of ‘prostitution’ and ‘prostitutes’ or ‘prostituted women’ tends to be used.⁶

1 These are very similar definitions to those used by Amnesty International, for more details, see Amnesty International, Policy on state obligations to respect, protect and fulfil the human rights of sex workers, 26 May 2016.

2 Including money, accommodation, protection, help with immigration applications, psychoactive products, etc.).

3 The specific issue of Young People Who Sell Sex, including children (WHO designation, [HIV and young people who sell sex](#), October 2015) is not addressed in this position paper and would require further reflection on how to implement a rights-based and harm reduction approach for this specific group.

4 Elena Jeffreys, Sex Worker Politics and the Term ‘Sex Work’, NSW Research for Sex Work Issue 14, September 2015; Stella, Language matters: Talking about sex work, 2013; Global Network of Sex Work Projects (NSWP), Policy Brief: Sex work as work, 2017.

5 For a brief overview of the historical evolution of the term ‘prostitute’ see Kate Lister, [Sex workers or prostitutes? Why words matter](#), iNews 5 October 2017.

6 E.g. Julie Bindel, [Why prostitution should never be legalised](#), The Guardian 11 October 2017; Sarah Ditum, [Why we shouldn’t rebrand prostitution as “sex work”](#), New Statesman, 1 December 2014.

1. Legal and policy approaches to sex work

Within the context of sex work:

Criminalisation⁷ means applying criminal law prohibitions to sex work or some aspects of sex work. While in some European countries, paid sexual transactions are themselves designated as criminal acts, more often, criminal law prohibits activities related to sex work, including solicitation, living off of the earnings of sex work, brothel-keeping, procuring or communicating for the procurement of sexual services, and facilitating the act of sex work by providing information or assistance. Criminal laws may target sex workers themselves, their clients or managers, people who own or run brothels, or anybody providing any type of assistance. Countries that aim to eradicate sex work often have laws that criminalise several aspects of sex work. Criminal law targeting sex work is often accompanied by the use of administrative law, where sex workers may be charged with non-criminal offences such as loitering, vagrancy, impeding the flow of traffic, congregating for the purposes of prostitution, public indecency, or disorderly behaviour.

Decriminalisation is not the same as legalisation of sex work. It refers to the removal of all criminal and administrative prohibitions and penalties on adult consensual sex work, whether related to selling, buying or organising (including laws targeting clients and brothel owners). Where sex work is decriminalised, states should ensure that it is regulated through labour and commercial law. In addition, exploitation, abuse, coercion, assault, rape, human trafficking, and child sexual abuse should remain criminal acts, and be treated as such when committed against sex workers.

Legalisation involves bringing sex work under a specific regulatory regime (also called regulationism), meaning that some sex work, in some contexts is legal. This also means that all sex work that does not meet the bureaucratic requirements is criminalised. Some regulations limit rights and protections of sex workers. According to the Open Society Foundations,⁸ “jurisdictions that choose legal and regulated sex work are likely to do so on public health grounds. They often use such tools as licensing and regular inspections in brothels and other sex work venues. Legalization and regulation sometimes include mandatory medical checks for sex workers in licensed brothels or entertainment venues.”

⁷ Open Society Foundations, [Laws and policies affecting sex work: A reference brief](#).

⁸ Open Society Foundations, [Laws and policies affecting sex work: A reference brief](#).

2. Intersecting criminalisation of migrant sex workers

Migrant workers and sex work

The political agenda on migration at EU level and across EU member states has centred around blocking access to EU territory. This manifests through building border control infrastructure and capacity in transit countries and criminalising NGO search and rescue operations, while restricting access to international protection for those that reach the territory. Restrictions include designating more countries as “safe”, providing more short-term permits with regular reviews, and increased financial investment in detention and deportation. All this will lead to an increase in the number of people living and working in precarious and irregular situations, and at risk of arrest, detention and deportation.

Migrant sex workers were estimated to comprise more than 65 percent of the sex worker population in Western Europe, according to the last available estimate from 2008.⁹ There are many reasons why any adult may engage in providing consensual sexual services. For some migrants, discrimination, poverty and lack of alternative employment opportunities can play a huge role, particularly when undocumented. Employment opportunities are often particularly restricted for both cisgender and transgender migrant women. While not all migrant sex workers are women, a majority are, and gender discrimination is a factor for engaging in and shaping experiences of sex work. Critical studies have underlined the need to go beyond the dichotomy between free and forced when looking at the links between migration and the global sex industry, in order to recognise the agency of migrant women in the sex sector.¹⁰

Regardless of the reasons people start sex work, people have agency and make choices; providing sexual services is an important livelihood strategy for many. It is also important to note that there are few possibilities for migrants to obtain a residence and work permit to work regularly as sex workers, in part due to the lack of recognition of sex work as a form of employment. This means that migrant sex workers often have little choice but to reside and work irregularly. It also results in certain admission schemes, for ‘dancers’ or ‘entertainment’, for example, which are largely used to recruit sex workers and have restrictive conditions associated with the work permits that can place workers in situations of high dependency and risk.

9 ICRSE, Intersection Briefing Paper [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#) (citing TAMPEP), November 2016.

10 Nicola Mai, [Embodied cosmopolitanisms: The subjective mobility of migrants working in the global sex industry](#), *Gender Place and Culture* 20(1):1-18, January 2012.

In countries with legal regulations on sex work, non-EU citizens are largely excluded or subject to strict requirements that they are unable to meet.¹¹ This means that migrant sex workers are subject to the harms of criminalisation.¹²

Germany – legal regulations and compulsory registration increase stigma and endanger sex workers¹³

In 2017, the so-called “Prostitutes Protection Act” (Prostituierenschutzgesetz, ProstSchG) came into force in Germany, requiring all sex workers to personally register with authorities designated by each federal state. The registration must be made under the applicant’s actual name, and include two photographs, their registered address of permanent residence, date and location of birth, and citizenship. Foreign nationals have to prove that they are permitted to be self-employed in Germany. Further, sex workers are obliged to undergo mandatory health counselling. If the authorities find any indication that a person is providing sexual services without the required registration, they can impose fines of up to €1,000.

For a large number of migrant sex workers, especially those without residence or work permits, it is not possible to provide all the documents necessary for registration.

Registration also imposes serious risks for those migrant workers who are able to register, in terms of potential repercussions in their countries of origin, especially if sex work is illegal there, and data is shared between authorities. This can also render sex workers susceptible to blackmail.

Brothels and “brothel-like businesses” are required to obtain a special licence and meet extensive requirements, which are particularly difficult for small businesses, including sex workers working together in a flat, to acquire a licence. Brothel operators are furthermore required to employ only registered sex workers, and to ensure that working rooms are not also used for sleeping.

Mandatory registration and the possibility of issuing administrative orders for sex workers limit people’s freedom to choose their occupation, and the extensive means of surveillance that the law affords the authorities infringes the inviolability of the home. The recording of personal data about a person’s sexual life violates the right to sexual and informational self-determination. Rather than protecting sex workers, the extensive and complex regulations can lead to repression and exclude many sex workers, including migrant, trans, and otherwise particularly vulnerable individuals in sex work.

11 For example, in Austria, third country nationals (non-EEA) who want to work as sex workers need a specific visa allowing them to work for only three to six months within a 12-month period. ICRSE, Intersection Briefing Paper [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#), November 2016.

12 For more on the impacts of legalisation or regulationism, see J. Mac & M. Smith, *Revolting Prostitutes: The fight for sex workers’ rights*, Verso: London and Brooklyn, 2018.

13 ICRSE, [Professed Protection, Pointless Provisions – overview of the German Prostitutes Protection Act](#), 2017.

Multiple layers of precarity and discrimination

Undocumented migrants face immense barriers to accessing services, decent work and justice, regardless of the sector they work in. Their precarious situation vis-à-vis authorities increases their risks of experiencing violence and exploitation and puts them at risk of social exclusion and poverty.

Sex workers face similar rights violations, with some particular characteristics. Rape, violence, discrimination and murder are a reality faced by sex workers globally.¹⁴ In many countries, the police and other authorities are the main perpetrators of violence, or fail to respond and investigate when abuses are reported. Access to police protection, health and justice is often limited or denied.

When working as sex workers, undocumented migrants are placed in a doubly precarious situation vis-à-vis state authorities, facing additional discrimination and violence due to stigma and prejudice against sex work, and multiple layers of criminalisation due to their residence status and work. For example, the fear and risks that undocumented migrants face when reporting violence to the police can be exacerbated by fear and risks of prosecution, harassment, or intimidation for being a sex worker. It is also important to recognise that undocumented migrant sex workers that are impacted by policing of sex work are predominantly women of colour.¹⁵

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à-vis state authorities.

14 Deeringa, K. et al., 2014, [A Systematic Review of the Correlates of Violence Against Sex Workers](#), *American Journal of Public Health*, 104(5): 42–54.

15 For a feminist analysis of the impacts of increased policing of sex work, and associated racism, racial profiling and male violence against women, see J. Mac & M. Smith, *Revolting Prostitutes: The fight for sex workers' rights*, Verso: London and Brooklyn, 2018.

France – violent offenders not reported to the police¹⁶

A Chinese sex worker, Yuan'é Hu, who had arrived in France from China in December 2011, was found murdered in August 2012 in the Paris apartment she shared with other sex workers. She had been strangled by the strap of her handbag. The perpetrator had attacked at least one sex worker prior to murdering Yuan'é Hu, but the attack had not been reported to the police. She knew that the man was violent but accepted him as a client because constant police harassment (ID checks even when she would go to the shops or the chemist) meant she had not been able to go out in the street to work as much as she needed.

In August 2014, a 56 year-old man was arrested and indicted for the rape of more than thirty Chinese sex workers, none of whom had ever filed a complaint against him.

¹⁶ The Global Network of Sex Work Projects (NSWP), [21 November 2014](#).

Criminalisation of clients of sex workers

In Europe, the policy approach to criminalise clients has gained support. Since Sweden introduced the “Swedish Sex Purchase Act in 1999”, France, Iceland, Ireland, Lithuania, Northern Ireland, Norway, and Serbia have introduced laws criminalising clients in the last decade, while often continuing to criminalise various aspects of sex work or sex workers themselves.¹⁷ These new laws have had a devastating impact on sex workers. Criminalisation of the buying and organisation of sex work forces sex workers to operate in ways that compromise their safety, health, working conditions and access to justice. For example, street-based sex workers have to work in more isolated areas and to reduce the time spent conducting safety screenings of clients in order to avoid identification by law enforcement. Violence is more prevalent in these conditions.¹⁸

Criminalisation of the buying and organisation of sex work forces sex workers to operate in ways that compromise their safety, health, working conditions and access to justice.

France – negative impacts of new law on autonomy and bargaining power, health, ability to make a living, and exposure to violence and murder

In France, prior to the criminalisation of sex workers’ clients in 2016, sex workers had been directly targeted by the criminalisation of public soliciting, which had been reinforced by the 2003 Law for National Security (LSI). The 2016 law repealed criminal penalties for soliciting, however, the public debate on sex work in France has brought the issue of sex work to the forefront and many cities have consequently passed municipal by-laws criminalising street-based sex workers by making it illegal to sell sex in certain areas. Currently, “purchase of a sexual act” carries a fine of €1,500 and requires that the offender attends classes on the harms of prostitution.

17 See e.g. ICRSE, “[Hands off our clients!](#)” Toolkit, 2013; Global Network of Sex Work Projects (NSWP), [Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers](#), 2015.

18 Open Society Foundations, [10 reasons to decriminalise sex work](#), March 2015.

Researchers carried out a study¹⁹ to gather sex workers' views and information on the impacts of the 2016 legal reform. They found that the law has had a negative impact on the autonomy of sex workers as workers, on the risks they may be willing to take, and on social stigma and financial hardship. Almost all sex workers and each of the organisations interviewed noted a shift in the power relationship between sex workers and their clients, as clients feel more entitled to impose their conditions (i.e. unprotected sexual practices, reduced prices, unwillingness to pay, etc.), seeing themselves as the ones taking the risk with regards to the law. **It has led to increased impoverishment, especially among people already living precariously, namely undocumented migrant women working in the street.** 62.9% of respondents in the quantitative survey said that their overall quality of life has deteriorated since April 2016 and 78.2% said that their earnings have decreased.

The interviews also showed that the law has pushed sex workers to operate under more risky conditions with dangerous implications for their health. Many interviews highlighted a worrying decrease in condom use as well as increased difficulties continuing treatment for those who are HIV positive. Respondents reported increased stress created by worsening working conditions causing various psychosomatic health issues from consumption of alcohol, tobacco and other drugs, to depression and suicidal thoughts. The results of the qualitative survey also reveal that cases of violence, of all kinds, have increased: insults in the street, physical violence, sexual violence, theft, and armed robbery in the work place. Impoverishment, increased health risks and increased exposure to violence form a vicious circle.

There has also been an increase in the incidence of sex workers murdered, as a result of working in more remote or unknown areas, where they are also at risk of robbery from criminal gangs. Recently, Vanesa Campos was shot dead on the night of 16 August 2018 in Paris Bois de Boulogne. The 36-year-old transgender woman, who had immigrated to France from Peru two years previously, was reportedly set upon by a group of men armed with knives and firearms. Local media reports said Ms Campos had been attempting to prevent one of her clients from being mugged before she was fatally shot in the chest.²⁰ [Le Parisien](#) estimates that around 10 sex workers have been murdered in recent years in the Bois de Boulogne.

Sweden – client criminalisation law ineffective in reducing demand and increases sex workers' vulnerability

The "Swedish Sex Purchase Act" (Sexköpslagen) was introduced in 1999, bundled into the Violence Against Women Act (Kvinnofrid). As per the law, the purchase of sexual services is punishable by a fine or imprisonment for at most one year. Advocates for

¹⁹ Médecins du Monde, [What do sex workers think about the French Prostitution Act: Synthesis Report](#) and [full report](#), April 2018.

²⁰ [The Independent](#), 29 August 2018.

the new policy claimed that the Act would shift the stigma and criminalisation from the person selling sexual services onto the buyer and reduce demand.

However, when reviewing the research and reports available,²¹ there is no evidence that the Sex Purchase Act has decreased prostitution, trafficking for sexual purposes, or had a deterrent effect on clients to the extent claimed.

Furthermore, a majority of street sex workers report²² greater harassment due to the policing of clients, and displacement to more secluded areas and hours of work for client protection, which creates additional safety risks. Unprotected sex is more often asked for and accepted due to lack of client choice, less bargaining power, and needing to negotiate more quickly with clients who may fear arrest. Reports from some government authorities recognise the realities of these experiences of sex workers.²³

The criminalisation of clients also leads to greater exposure to exploitation as sex workers can become more reliant on potentially exploitative managers and third parties due to clients being less willing to negotiate the purchase of sex directly. At the same time, experiences with police are characterised by invasive searches and questioning, rather than being viewed by sex workers as a source of protection. The law has also provided cover for practices such as the removal of sex workers' children and deportation of migrant sex workers.

People selling sex in Sweden have reported feeling victimised and treated differently within social services and society at large.²⁴ Since the introduction of the law, stigma against sex workers has significantly increased: 52 % of the Swedish population believes sex workers should be criminalised as opposed to 30 % prior to the law.²⁵

In addition, whereas Swedish nationals have access to social welfare policies aiming to promote exit from commercial sex through therapeutic counseling and social benefits, undocumented migrant sex workers are largely excluded from such state services, and face punitive measures like deportation and eviction.²⁶

21 S. Dodillet & P. Östergren, [The Swedish Sex Purchase Act: Claimed Success and Documented Effects](#), 2011.

22 Global Network of Sex Work Projects (NSWP), [The Real Impact of the Swedish Model on Sex Workers](#), 2015; S. Dodillet & P. Östergren, [The Swedish Sex Purchase Act: Claimed Success and Documented Effects](#), 2011; N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

23 A Norwegian Ministry of Justice report in 2004 concludes based on a variety of sources that, while there is no documentary evidence from hospitals or police that there is more or less violence directed towards prostitutes, there is much evidence that there is a tougher market with more violence. For example, the report describes how the reduction in clients has reduced sex workers' possibilities to say no to clients, even when they have security concerns or when they demand unprotected sex. It also cites reports indicating increased risks and undermining of safety strategies for both indoor and street-based sex workers, with meeting places less safe and less time for clients to be assessed. Norwegian Ministry of Justice and the Police, [Purchasing sexual services in Sweden and the Netherlands: Legal Regulation and Experiences \(abbreviated English version\)](#), 2004.

24 N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

25 ICRSE, [Stop ignoring the evidence: client criminalisation endangers sex workers](#), 2017.

26 N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018; Swedish Parliament, [Statens offentliga utredningar \[Government Public Investigations\] 2002:69](#), 8.3.1.1.

Immigration enforcement and barriers to access to justice

In practice, **enforcement actions against sex workers, buyers or organisers frequently lead to migrant sex workers being deprived of their earnings, and undocumented migrant sex workers being arrested, detained and deported.** Police carrying out enforcement actions usually implement immigration checks rigidly against sex workers.

France – increased harassment of migrant sex workers after introduction of new law²⁷

The sex workers' union STRASS has documented regular immigration enforcement actions specifically targeting Chinese sex workers and leading to their detention. For example, on 27 May 2016, three undocumented Chinese sex workers working at Belleville were subject to immigration checks, arrested and placed in a detention centre. On 20 May 2016, four Chinese sex workers were arrested and detained. Reporting on 28 May 2016, in the six weeks following the entry into force of the law criminalising the clients of sex workers on 13 April 2016, STRASS had documented the arrests of 20 Chinese sex workers, with five still in detention at that time, and three subjected to an additional arrest.

STRASS and Roses d'Acier (Steel Roses), an organisation of Chinese sex workers, describe a higher level of police harassment of sex workers at Belleville, with constant and daily controls becoming the norm, often accompanied by their documents being destroyed, their photographs being taken, and threats of deportation. Some sex workers have been subjected to identity checks by the same police officer moments after they have asked for and destroyed their papers. A police vehicle was also parked next to the Médecins du monde – Doctors of the World bus distributing condoms among other services.

As a result, migrant sex workers have largely lost their income and face increasing vulnerability and rates of poverty.

Migrant sex workers rarely report violence to the police, the threshold for doing so being incredibly high, due to risk of deportation. Their lack of protection from the law places them at greater risk of violence and harassment, with some clients threatening them with immigration enforcement to coerce them.²⁸

27 STRASS, [20 May 2016](#), [28 May 2016](#), [press statement \(no date\)](#), [testimonies](#). See also Médecins du Monde, [What do sex workers think about the French Prostitution Act: Synthesis Report](#) and [full report](#), April 2018.

28 N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018

Their lack of protection from the law places them at greater risk of violence and harassment, with some clients threatening them with immigration enforcement to coerce them.

Being suspected, accused or charged for offences related to sex work can also result in migrant sex workers losing their status, being unable to regularise their status or becoming a priority for deportation, even if they are in the country regularly. Having a criminal record or any kind of citation can lead to a loss of immigration status and deportation, and be a barrier for regularisation. Additional stigmatisation against sex work can increase the weight of such allegations or charges in 'good character' and other assessments which frequently form part of criteria for regularisation, or in some cases to maintain status. For example, in Norway, the Immigration Act allows deportation of foreigners if they disturb public order or are not convincing in their reasons for being in the country.²⁹ In some countries, such as Cyprus and Turkey, migrants' involvement in sex work is specifically prohibited and punished with deportation as part of their regulation of sex work.³⁰ Also in countries where sex work is not a criminal offence, it can expose migrant workers to deportation. For example, in the Swedish and Finnish Aliens Acts, a suspicion of selling of sex, or in the Swedish case, the assumption that he or she will not support himself or herself "by honest means", is grounds for deportation and denial of entry, even if the person would be in the country regularly or would have otherwise the right to travel to the country.³¹

29 ICRSE, Intersection Briefing Paper [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#), November 2016

30 Ibid.

31 Ibid; N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

Norway – victims of a violent robbery detained and deported³²

In Norway, according to section 315 of the Penal Code, the “promotion” of prostitution is illegal, and the introduction of section 316 of the Penal Code in 2009 penalised the purchase of sex as well. Section 315 has led to widespread evictions of sex workers from their homes and workplaces. From 2007 to 2011 the police enacted “Operasjon Husløst” (Operation Homeless) and actively used the possibility to prosecute landlords under section 315 to manage 400 evictions from apartments where they suspected sex was being sold. While Operation Homeless has ended, evictions continue, at extremely short notice and without due process, and impact primarily on migrant women of colour.

In addition, the Immigration Act allows deportation of foreigners if they cannot show a legitimate purpose to their stay or visit. While carrying out research on the impacts of the legal framework in Norway, Amnesty International learned of a violent robbery carried out against three Nigerian women selling sex in March 2014, who were rapidly deported from Norway after they reported the incident to the police. They were residents of Italy with visas to travel to Norway.

According to media reports of this case, the perpetrators broke into the apartment on the outskirts of Oslo carrying an electric stun gun and knives. They subjected the women to extreme violence - stabbing them and threatening to kill them. Their lawyer described how the police had failed to follow up the women’s case and had instead prioritised their removal from Norway under immigration rules.

For the study, Amnesty International interviewed the lawyer who represented the women. She told interviewers: *“Police came to the scene but the perpetrators were gone. The police took the women to a shelter and gathered their belongings. The women gave their statements. When they went to collect their belongings, they were arrested and deported. They hadn’t overstayed [their visas].”*

“The women thought they would get help from police. They were promised that they would get their passports back as soon as they had given statements about the robbery and cooperated with police. Instead they were imprisoned, put in Trandum transit centre and sent on a plane out of Norway. I was one of those who told them that they could trust the police in Norway, but apparently they couldn’t.”

The women’s lawyer also expressed concern that the women were removed from the country before they had finished treatment for the injuries they sustained in the attack, including a severe head injury. When questioned by the media as to why the women had been deported when they had Italian residency and were allowed to travel to Norway, the police attorney for Romerike Police stated that the police had used their discretion to facilitate the removal of the women because they *“did not find that the purpose that they gave for their stay was likely.”*

³² Amnesty International, [Norway: the human costs of ‘crushing the market’](#). On Norway, see also N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

In some cases, **immigration raids are also carried out specifically targeting sex work venues, disproportionately exposing migrant sex workers to immigration checks and risks of detention and deportation.**³³

UK – immigration raids target sex workers³⁴

In the UK, the Street Offences Act 1959 makes it an offence for a person to persistently loiter or solicit in a street or public place for the purposes of offering services as a sex worker. It also creates an either-way offence of keeping, managing, acting or assisting in the management of a brothel to which people resort for practices involving prostitution.

On the client-side, soliciting for sex on the street (kerbcrawling) is illegal. Since 2010 it is illegal to “pay for sex with a prostitute subject to force and coercion”, and clients can be convicted even if they didn’t know the sex worker was being forced.

Operation Nexus is a joint operation between police forces and the Home Office’s Immigration Enforcement Directorate initiated in 2012. It aims at targeting and deporting from the UK, foreign national offenders and migrants suspected of breaking the law.

One of the groups that have been particularly affected by Operation Nexus are migrant sex workers, especially EU citizens coming from Central and Eastern Europe. Following anti-trafficking police raids on sex work venues and arrests, many of them received deportation papers giving them one month to leave the country. Although selling sex is not illegal in the UK, these decisions were justified by the claim that engagement in sex work cannot be considered as legitimate employment.

33 N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

34 ICRSE, Intersection Briefing Paper [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#), 2016.

Access to health care and housing

Undocumented migrant sex workers also face an additional layer of **discrimination regarding their right to health and access to health services**. In addition to the legal and practical exclusion from health services they face as undocumented migrants, their occupation often results in additional stigma and discriminatory treatment, which can also result in their denunciation.

Given their exposure to violence and situations which can place their health at risk, limitations of access to health services and to sexual health services have a particular impact on migrant sex workers, and migrant women especially.

Migrant sex workers are affected by anti-immigration and anti-sex work policies that violate their right to housing and expose them to violence, exploitation and homelessness.

Access to shelter and housing is also further complicated by stigma and discriminatory treatment from house owners and real estate companies, as well as state-run and NGO shelter providers.³⁵

Laws and policies that criminalise sex workers or third parties for renting premises for the purpose of sex work add another layer of exclusion from the rental housing market, and criminalisation of renting to undocumented migrant sex workers. In practice, such criminalisation leads to evictions of sex workers from official apartment rentals and hotels, into more informal housing arrangements that can be exploitative, as well as resulting in loss of rent and deposits.³⁶ Sex workers who do not commit to stop sex work can be also denied access to shelters because of homelessness service providers' concerns that the premises would be used for sex work so they would be in breach of the law.

³⁵ Ibid.

³⁶ N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

Sex workers who organise themselves, including by sharing and working from their flats to increase their safety, risk prosecution for brothel-keeping and eviction.³⁷ Migrant sex workers are affected by anti-immigration and anti-sex work policies that violate their right to housing and expose them to violence, exploitation and homelessness.

Treatment of all sex work as human trafficking and vice versa

Another important intersection between the criminalisation of sex work and the criminalisation of migration, are anti-trafficking policies that focus on criminalising aspects of sex work, in particular of clients. As discussed above, undocumented migrant sex workers are often subjected to violence and sexual abuse. There are undocumented migrant sex workers who are trafficked. However, the treatment of all sex work as human trafficking and vice versa is detrimental both to efforts to reduce human trafficking for sexual exploitation and human trafficking for labour exploitation, and to the human rights and safety of migrant sex workers.

PICUM has consistently emphasised that there is a continuum of exploitation, with human trafficking and forced labour at the far end of the spectrum. In addition, there are limitations to dealing with the phenomena from a solely law enforcement approach

Many commentators,³⁸ including PICUM, have criticised measures that are introduced in the name of combatting trafficking but have actually increased risks of violence and exploitation, raised barriers to accessing services and justice, and are in fact failing trafficked persons. For example, increased border controls lead to increased reliance on smugglers and more dangerous and expensive routes to access a given territory. This in turn places people at greater risk of debt bondage, forced labour and human trafficking. Further, raids on work places to identify trafficked persons often lead to undocumented people being arrested, detained and deported, rather than provided access to justice.³⁹

37 For one recent example, see [The Independent](#), 17 June 2019. Adrina Podaru, 25, and Ana Tomascu, 20, were living in Newbridge in Kildare, Ireland, when the property was raided in November 2018. The women, both from Romania, were charged with keeping a brothel and were jailed for nine months after a hearing at Naas District Court. Both women admitted offering sexual services for money. The court heard there were no clients present at the time of the raid and that no significant money was found at the scene. Ms Podaru is pregnant and faces the prospect of giving birth in prison.

38 See for example, Anti-Trafficking Review No 2 (2013): [Human Rights at the Border](#); Anti-Trafficking Review No 10 (2018): [Special Issue - Life after Trafficking](#); Global Alliance Against Traffic in Women (GAATW) [Beyond Borders: Exploring Links between Trafficking and Migration](#), GAATW Working Papers Series 2010; GAATW, [Moving Beyond 'Supply and Demand' Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking](#), 2011.

39 For more cases see e.g. x:talk [Human rights, sex work and the challenge of trafficking. Human rights impact assessment of anti-trafficking policy in the UK](#), October 2010; see also e.g. Nicola Mai, [Embodied cosmopolitanisms: The subjective mobility of migrants working in the global sex industry](#), *Gender Place and Culture* 20(1):1-18, January 2012.

UK – anti-trafficking raids lead to arrest of undocumented migrant sex workers

An [Evening Standard article](#) on 21 October, based on the London Metropolitan Police's own press release, described an enforcement action in Soho Chinatown called "Operation Lanhydrock" which took place on 20 October 2016, as follows:

Six "massage parlors" thought to be running as brothels with trafficked women were stormed by officers on Thursday night.

Police swooped in and rescued 10 women as part of an ongoing operation to tackle human trafficking, prostitution, firearms, immigration offences and money laundering.

The aim is to find victims and take them to safety while shutting down premises which are a hotbed for these types of crimes.

Six premises were closed and another four searched, 18 arrests were made for "controlling prostitution, firearms, fraud and immigration", and £35,000 in cash was seized.

A spokesperson for the Met told Vice⁴⁰ that, in fact, ten women were referred to a special reception centre as potential victims of trafficking and that 24 arrests were made. Seven of those were for "controlling prostitution for gain", meaning they were "managers or other staff" (which can include staff such as cleaners). The other 17 were arrested on immigration grounds and have been detained by the UK Border Agency, which was present during the raids.

Even when people are identified as victims of trafficking in human beings, they are often only granted a temporary residence status; access to a longer-term and more secure status, with the right to work is very limited. There are also numerous challenges to accessing unpaid wages and fair compensation and actually receiving any financial settlement that may be awarded. Trafficked persons are sometimes also prosecuted on criminal charges, despite the non-punishment principle,⁴¹ including on charges related to their immigration status or sex work. For example, in 2016, Irish police arrested four Romanian sex workers, which they claimed were trafficked, but at the same time were prosecuted for brothel-keeping because they worked in their shared flat.⁴² The conflation of trafficking and sex work has led to a focus of enforcement actions and anti-trafficking raids targeting migrant sex workers and venues, which is having a disproportionate impact on workers in this sector.

⁴⁰ Vice, [Are the Soho Brothel Raids Really About Saving Sex Workers?](#), 27 October 2016.

⁴¹ See for example, M. Jovanovic, [The Principle of Non-Punishment of Victims of Trafficking in Human Beings: A Quest for Rationale and Practical Guidance](#), *Journal of Trafficking and Human Exploitation* 2017(1):41-76, 2017.

⁴² [The Irish Times](#), 31 October 2016, cited in J. Mac & M. Smith, *Revolt of Prostitutes: The fight for sex workers' rights*, Verso: London and Brooklyn, 2018.

Migrant sex workers who organise themselves, and those providing accommodation to sex workers, also risk prosecution for trafficking as well as pimping and brothel-keeping.

Migrant women from some countries also face particular risks of being refused entry at borders (usually airports) and summarily deported to their country of origin, when border guards suspect them of being victims of trafficking.⁴³

Migrant sex workers who organise themselves, and those providing accommodation to sex workers, also risk prosecution for trafficking as well as pimping and brothel-keeping.

There is also no evidence to indicate criminalisation of clients is effective in reducing human trafficking for sexual exploitation.⁴⁴

Further, organisations representing and working with sex workers have consistently stated that clients are often the ones who identify people who are being controlled and coerced to work and can be central in helping and supporting people to exit the situation and seek appropriate help.

Given that criminalisation of the purchaser of sexual services can also increase risks of violence and exploitation and undermine access to justice and health, it is counterproductive to prevention and protection of victims of trafficking.

43 See for example, the Scottish Sun, '[100 sex slaves at airport: Around 100 sex slaves nabbed by border cops at Glasgow Airport in just nine months](#)', 24 August 2017. N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex](#), 2018.

44 For example, according to STRASS' submission to the CEDAW consultation on its General Recommendation on trafficking of women and girls in the context of global migration, the specialised anti-trafficking office in the French police (OCRTEH) has announced an increase in human trafficking cases they follow from about 40 every year before the law to criminalise clients was enacted in 2016, to 87 cases in 2017 ([STRASS Submission to CEDAW](#), February 2018. Other submissions to CEDAW's consultation can be found [here](#).)

3.

PICUM and decriminalisation

PICUM's core values and working methods are based on human rights and empowerment. Grounded in principles and values of social justice, anti-racism and equality, PICUM is committed to ensuring that undocumented migrants have a dignified standard of living and rights. Bringing together a broad range of experience and expertise, PICUM generates and coordinates a humane and informed response to undocumented migrants' realities and provides a platform to engage policy makers and the general public in the full realisation of their rights.

The parallels between PICUM's analysis of the criminalisation of migration and the criminalisation of sex work are concerning. In both cases, access to police protection and justice is severely limited as a result of these frameworks, creating an environment of impunity for violence.

Likewise, similar to the analysis of the impacts of criminalisation of clients of sex workers, PICUM has found that the criminalisation of the employers of undocumented workers results in migrant workers experiencing increased insecurity and dependency on exploitative employers, and risks of violence, exploitation and other rights violations. While such frameworks do not criminalise undocumented workers directly, the criminalisation of their employment makes their working conditions more precarious and dangerous, restricts their ability to seek redress for abuse, and increases risks of discrimination and exclusion from access to services.

Decriminalisation can lead to improved protections for sex workers' human rights.

Overall, criminalisation in both cases creates a repressive environment in which violence, exploitation and other human rights violations can flourish, and access to services, decent work and justice severely limited.

PICUM is therefore concerned about the impacts of criminalisation on the human rights and dignity of sex workers. The criminalisation approach has also been highly criticised by sex workers, anti-trafficking organisations, health organisations, professional

trade unions,⁴⁵ and human rights organisations. These include the World Health Organisation,⁴⁶ UNAIDS,⁴⁷ the World AIDS Campaign,⁴⁸ Médecins du monde – Doctors of the World,⁴⁹ the Committee on the Elimination of Discrimination against Women (CEDAW),⁵⁰ Global Network of Sex Work Projects (NSWP),⁵¹ International Committee for the Rights of Sex Workers in Europe (ICRSE),⁵² Amnesty International,⁵³ Human Rights Watch,⁵⁴ La Strada International,⁵⁵ Global Alliance Against Traffic in Women,⁵⁶ Transgender Europe (TGEU),⁵⁷ ILGA Europe⁵⁸ and the European AIDS Treatment Group⁵⁹ to name a few.

At the same time, there are clear indications that decriminalisation can lead to improved protections for sex workers' human rights.

New Zealand – decriminalisation and improved occupational safety and health

A report on experiences of sex workers in New Zealand⁶⁰ finds that decriminalisation has increased sex workers' bargaining power, and meant that sex workers, clients, operators of brothels, and other third parties are able to operate within a legal framework where many malpractices can be addressed under a range of laws, including labour laws such as occupational health and safety legislation.

45 For example, the Royal College of Nurses in the UK passed a resolution in May 2019 to lobby governments across the UK to decriminalise sex work ([Royal College of Nursing](#), 20 May 2019).

46 WHO, [Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low- and middle-income countries: Recommendations for a public health approach](#), December 2012.

47 UNAIDS, [Guidance Note on HIV and Sex Work](#), 2012; UNAIDS, [2014 Guidance Note: Services for sex workers](#), 2014; UNAIDS, [The Gap Report 2014: Sex workers](#), 2014.

48 World AIDS Campaign, [Sex Work and the Law: The Case for Decriminalisation](#), 2010.

49 Médecins du monde - Doctors of the World, [Harm Reduction. A public health approach based on human rights](#), July 2018; Médecins du monde - Doctors of the World, [In Support of Human Rights for Sex Workers](#), 2015.

50 CEDAW, [General Recommendation No. 33](#) on women's access to justice, UN Doc. CEDAW/C/GC/33, 2015, paras. 9, 51(l).

51 Global Network of Sex Work Projects (NSWP), [Policy Brief: Decriminalisation of Third Parties](#), NSWP, 2016

52 ICRSE, Intersection Briefing Paper, [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#), November 2016

53 Amnesty International, [Policy on state obligations to respect, protect and fulfil the human rights of sex workers, May 2016](#)

54 Human Rights Watch, [24th annual review](#) for human rights practices around the world, p.47.

55 La Strada International, [Statement on Amnesty International policy on sex workers rights](#), 26 May 2016.

56 GAATW, [Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions](#), 2018; GAATW, [Moving Beyond 'Supply and Demand' Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking](#), 2011.

57 Transgender Europe (TGEU), [Sex work policy](#), October 2016.

58 ILGA Europe, [Empowering LGBTI sex workers towards the full respect of their human rights](#), June 2018.

59 European AIDS Treatment Group (EATG), [The impact of punitive sex work laws and regulations on human rights and public health](#), December 2018.

60 NZPC (New Zealand Prostitutes Collective), [Report on Experience: Decriminalised Sex Work and Occupational Health and Safety in New Zealand](#), NSWP Research for Sex Work Issue 14, September 2015.

The Prostitution Reform Act was passed in 2003 with the express purpose to decriminalise sex work. The Act states that it 'safeguards the human rights of sex workers and protects them from exploitation, promotes the welfare and occupational health and safety of sex workers [and] is conducive to public health'. Sex workers were extensively involved in the development of the law. Occupational Safety and Health (OSH) guidelines were also developed in consultation with sex workers and brothel operators, by the Department of Labour.

While implementation is ongoing, there have been some positive developments. The Prostitution Reform Act, along with criminal law, is explicit in the right of the sex worker to say no to sex, commercial or otherwise, and this is reinforced in the OSH guidelines, strengthening sex workers' position in negotiating with clients and brothel operators. Promotional materials for sex work venues also emphasise sex workers' rights to say yes (e.g. to showers and condoms) and no (e.g. to force).⁶¹

Sex workers are able to work together, in well-lit, safer places or in shared flats or informal cooperatives, increasing their negotiating time and power with clients and managers and overall safety.⁶²

Sex workers have access to employment mediation services, dispute resolution and complaints mechanisms, to resolve workplace conflicts and access justice when needed, often through the New Zealand Prostitutes Collective (NZPC) as a first point of contact. In one judgement in 2014 by the Human Rights Review Tribunal, a brothel operator was ordered to undertake sexual harassment training and to pay a sex worker NZ\$25,000 (approx. 14,290 euros) in damages 'for humiliation, loss of dignity and injury to the feelings of the' sex worker.

In addition, if a sex worker wishes to leave the sex industry, they are able to access social security support immediately, without the limitations associated with voluntarily leaving a job.

However, migrant sex work is prohibited; it is not possible to get a permit for sex work and people with temporary permits are liable for deportation if they provide commercial sexual services. Therefore, migrant sex workers do not fully benefit from decriminalisation. They remain vulnerable to exploitation and abuse, and risk deportation if they report crime to the police.⁶³

61 NZPC (New Zealand Prostitutes Collective), [Report on Experience: Decriminalised Sex Work and Occupational Health and Safety in New Zealand](#), NSWP Research for Sex Work Issue 14, September 2015.

62 J. Mac & M. Smith, *Revolutionary Prostitutes: The fight for sex workers' rights*, Verso: London and Brooklyn, 2018.

63 J. Mac & M. Smith, *Revolutionary Prostitutes: The fight for sex workers' rights*, Verso: London and Brooklyn, 2018.

Furthermore, this discussion paper has considered the particular circumstances and impacts of criminalisation frameworks on the human rights and dignity of undocumented migrant sex workers. Understanding the intersection of the criminalisation of migration and criminalisation of sex work is necessary to advocate policies which safeguard the human rights and dignity of undocumented migrant sex workers.

PICUM's concern is not about the judgment of sex work itself, but whether undocumented migrant sex workers have protections and their rights upheld. A number of undocumented migrants work in sex work. PICUM seeks to address the particular discrimination, social exclusion, stigma, poverty and violence they face due to their work, and due to their ethnicity, gender, etc. As more people fall into irregularity across Europe, more undocumented migrants will turn to sex work for survival and income generation. It is therefore important that PICUM sets out the harmful impacts that criminalisation has on their daily lives, material needs and human rights, and works to address these critical concerns.

It is important to note that a number of sex worker-led organisations are members of PICUM with a demonstrated interest and experience in analysing and representing the situation of (undocumented) migrant sex workers and working to advance their rights. These organisations have been accepted into PICUM's membership by the General Assembly with an overwhelming majority, giving PICUM a mandate to represent these organisations. These organisations are often demonised and face stigma when fighting for their human rights. Being visible in this work increases risks, particularly if a person is an undocumented migrant. As a network, PICUM must support and stand in solidarity with this struggle.

It is also important to acknowledge that PICUM has a diverse membership network, with differing views and areas of expertise, which is part of its strength. PICUM's analysis on decriminalisation does not imply that all its members share the same approach on the issue. PICUM cooperates closely with members and partner organisations with different approaches to this issue, on key areas of shared concern and action, including issues related to the rights of undocumented children, youth and families, the rights of undocumented women, access to health services, access to justice, labour rights, and challenging rights violations in the context of immigration enforcement. PICUM is committed to continuing this collaboration.

Conclusion and recommendations

Key Points

- PICUM's concern is in ensuring access to human rights, including labour and social rights, and strengthening choices, for all migrants including sex workers.
- Gender and economic inequality, discrimination and residence status influence options, decision-making and choices for employment. Regardless of the reasons for engaging in sex work and the nature of this work, we believe that all people should be treated with respect and dignity.
- A holistic response - which addresses poverty and discrimination through policies on social services and security, labour rights, immigration and housing, among others - is needed to address the human rights violations and lack of opportunities faced by undocumented migrant sex workers; no one policy measure is sufficient.
- The intersection of restrictive immigration policies, the criminalisation of undocumented migrants, and the criminalisation of sex work increases the risks that undocumented sex workers face and further undermines their human rights and dignity.

Recommendations

- PICUM calls for the removal of all criminal and administrative prohibitions and penalties on sex work,⁶⁴ related to sex workers, clients and non-exploitative⁶⁵ third parties (including laws targeting brothel owners). This will not solve all the challenges facing undocumented migrant sex workers, but is a crucial step to support the empowerment, human rights and dignity of sex workers.
- PICUM advocates for migrant sex workers to have safe and equal access to health, housing, decent work and justice, regardless of their status.
- PICUM underlines the need for sex workers to be able to access labour and workplace protections, including through effective complaints and redress mechanisms, as a human rights issue.
- PICUM calls for victim-centred implementation of independent legislation which criminalises acts including human trafficking, coercion, violence, and the sexual exploitation of children. Implementation should focus on addressing harm and violence against victims, including when they are selling sexual services, by ensuring equal access to protection and justice, to unpaid wages and compensation, and to secure residence status where desired (as well as bringing perpetrators to justice).
- PICUM advocates for regular channels for migration for decent work, family reunification, study and protection, which promote the rights of migrants and their families. This includes ensuring that people are not dependent on a particular work or personal relationship, as this increases risks of exploitation and trafficking. This means permits need to allow people to change their employer, occupation and sector, and to another type of permit, from within the country. People with permits based on family relationships should be able to access autonomous residence permits.

64 The exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration with the terms agreed between the seller and the buyer.

65 While in some legal systems all sex work is considered exploitation, this is not our intended meaning of exploitation here. We refer to situations of disproportionate gain and abuse of power.

Useful resources

- Amnesty International, [Policy on state obligations to respect, protect and fulfil the human rights of sex workers](#), 26 May 2016.
- Anti-Trafficking Review, [Issue 12 Special Issue- Sex Work](#), Global Alliance Against Traffic in Women, April 2019.
- Demand AT, [European Policy Brief: Preventing Exploitation and Trafficking in the Sex Work Sector](#), June 2017.
- GAATW (Global Alliance Against Traffic in Women), [Moving Beyond 'Supply and Demand' Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking](#), 2011.
- Global Network of Sex Work Projects (NSWP), [Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers](#), 2015.
- ICRSE (International Committee on the Rights of Sex Workers in Europe), [The Declaration of the Rights of Sex Workers in Europe](#), 2005.
- ICRSE (International Committee on the Rights of Sex Workers in Europe), Intersection Briefing Paper [Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#), November 2016.
- J. Mac & M. Smith, *Revolted Prostitutes: The fight for sex workers' rights*, Verso: London and Brooklyn, 2018.
- Open Society Foundations, [10 reasons to decriminalise sex work](#), March 2015.
- TAMPEP - The European Network for the Promotion of Rights and Health among Migrant Sex Workers, [Sex work, migration, health: A report on the intersections of legislations and policies regarding sex work, migration and health in Europe](#), 2009.



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