

# From vulnerability to resilience: sex workers organising to end exploitation



International Committee on the  
Rights of Sex Workers in Europe

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# About us

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The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing more than 100 organisations providing services to sex workers in 35 countries in Europe and Central Asia. ICRSE opposes the criminalisation of sex work and calls for the removal of all punitive laws and regulations related to sex work as a necessary step to ensure that governments uphold the human rights of sex workers.

## About the Rights not Rescue Programme

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This resource is the final outcome of ICRSE's programme Rights not Rescue, that ran from 2019 to 2021. This project aimed to empower migrant sex workers to fight trafficking and exploitation in the sex industry and strengthen ICRSE's advocacy on issues relating to migration, exploitation and trafficking. Through this programme, ICRSE was able to provide financial and technical support to 12 sex workers' rights organisations which developed national activities to tackle exploitation and amplify voices of migrant sex workers.

## About this resource

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Sex workers globally organise, unionise and develop initiatives to protect themselves from violence, exploitation and human rights violations. They share strategies of how to work independently, where to work and how to keep themselves safe. Many sex workers' organisations also play a vital role in preventing children from entering into the sex industry and supporting women who have been trafficked into it. As critical enablers for addressing violence and exploitation in the sex work sector, they contribute to the creation of more resilient communities, despite having no or limited funding. This report aims to support the recognition of the work of community-based and community-led programmes in the field of anti-trafficking. As such, it is addressed to policy makers, experts, and civil society organisations active in countering human trafficking and to sex workers and their organisations to share best practices and effective approaches in eliminating exploitation in the sex work industry. The report has three parts: section 1 explains key definitions and concepts, and related sex workers' demands; section 2 presents approaches and strategies that ICRSE members carried out within the framework of the Rights not Rescue programme; finally, the report ends with recommendations for policy makers to upscale community resilience and to recognise and support community-led initiatives as important actors in the field of anti-trafficking.

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# **Section 1**

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**Understanding the  
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## Introduction

ICRSE understands and conceptualises trafficking in human beings as a broad migration, labour and social justice issue. It advocates for addressing the root causes of human trafficking as a priority in tackling such harm. ICRSE opposes the punitive anti-trafficking policy framework that targets sex workers' workplaces and their clients. This framework means that while sex workers fight exploitation and human trafficking in the sex industry, they are also dealing with the harm caused by the intended and unintended effects of anti-trafficking and anti-prostitution policies. ICRSE calls for sex worker inclusive policies and for the inclusion of the fifth 'P' to complement prosecution, protection, prevention and partnership: *'policies that do no harm and do not exacerbate vulnerabilities'*.

Sex workers are heterogeneous groups of people of all genders above 18 years old. Sex workers engage in sex work for many different reasons. Many sex workers enter the sex industry as they are excluded from the formal economy or cannot access state benefits to achieve a decent standard of living. For other sex workers, it may be the most acceptable of very few options available to them, enabling them to provide a living for themselves and their families. Some might decide to work in the sex industry because it allows for more flexible working hours and gives them greater control over their working conditions than other jobs. Others choose sex work because they find it financially rewarding. Marginalised groups and those facing discrimination comprise most people working in the sex sector, such as women and people already facing intersectional discrimination including (undocumented) migrants, LGBTQI people, Roma and other minority groups, people who use drugs, homeless people, and others.

Similarly to other sectors of the informal economy, most sex work is precarious work, characterised by insecurity and exploitative conditions, and can include irregular, seasonal, and temporary employment as well as homeworking, sub-contracting and self-employment.

The Joint United Nations Programme on HIV and AIDS (UNAIDS) Guidance Note on HIV and Sex Work defines sex workers to include female, male and transgender adults, over the age of 18, who receive money or goods in exchange for sexual services, either regularly or occasionally, and who may or may not self-identify as sex workers.<sup>1</sup> In terms of this definition, three elements are worth highlighting: a) sex work and sex workers involve adults only; b) sex work involves consensual acts between adults; c) acts involving deceit, fraud, coercion, force or violence do not fall under the definition of sex work.<sup>2</sup>

Sex workers face high levels of violence, abuse and exploitation. They are also one of the groups at risk of human trafficking. Beyond individualised violence, sex worker communities face significant levels of structural violence, of which societal stigma, surveillance, marginalisation and over-policing are integral parts. Lots of resources have been spent by sex workers and their organisations to address the structural violence exacerbated by harmful anti-trafficking and prostitution laws and policies. With limited or no access to public funding, sex workers and their organisations stand firmly against violence, exploitation and human trafficking.

A core demand of sex workers is the full decriminalisation of sex work. An increasing body of research and evidence from the ground has led many movements and institutions to express support for decriminalisation, and activists have spoken out against the adverse effects of the criminalisation of sex workers, their clients and third parties. These include Amnesty International, Human Rights Watch, AIDS Action Europe, Transgender Europe, ILGA Europe and ILGA World, the Platform for International Cooperation on Undocumented Migrants (PICUM), the Global Alliance Against Trafficking in Women (GAATW), La Strada International, several United Nations agencies (e.g. UNAIDS, UNFPA, UNDP) and WHO.

1. See UNAIDS, 2012.

2. The 2015 UNAIDS terminology guidelines and the recommendations of the Global Commission on HIV and the Law advise against the use of the terms “prostitution” and “prostitute”, as they denote value judgement.

Decriminalisation, the removal of all laws that criminalise any aspect of sex work, is recognised by the global sex worker movement as the best legal framework to advance sex workers’ labour rights. Decriminalisation does not mean the removal of laws that target human trafficking, coercion and violence against sex workers. When sex work is governed through the same laws as other professions, workers are able to work as independent contractors or as employees, to negotiate employment contracts, to organise collectively and to challenge exploitative labour practices.

## 1. Defining exploitation in the sex industry

- Neither 'exploitation' nor 'sexual exploitation' are terms defined in international law.
- Similar to many other sectors, ICRSE conceptualises work in the sex work sector as a continuum, with decent conditions in sex work at one end and severely exploitative conditions, such as forced prostitution or human trafficking, at the other end. In this view, any working conditions that deviate from the decent work framework can be considered exploitation.
- Exploitation is a term firmly associated with the world of work and can occur in all sectors and services - regulated and unregulated, including sex work. Evidence indicates that exploitation and trafficking flourish in sectors where workers are not able to organise and have limited labour protections or are not considered workers.
- Furthermore, the isolation of the workers - either due to the nature of the work or policies introduced - is also a significant factor that exacerbates the individual vulnerability of persons. In the case of sex work, working together with colleagues can be interpreted by authorities as illegal brothel-keeping; consequently, sex workers can be punished for a criminal offence, despite the important role working together plays in keeping sex workers safe.
- Only by focusing on sex workers' working conditions, as well as employment practices and arrangements under which sexual services are sold and exchanged, can we come to a better understanding of - and challenge - exploitation in the sex industry. The most effective way to address exploitation is to improve the labour protections available to the workers involved and their ability to organise.
- This is undermined by the widespread criminalisation and stigmatisation of sex work and the lack of legal recognition of sex work as work. Consequently, many sex workers are pushed to operate in the informal economy and in more isolated and dangerous environments. According to sex workers, one of the key reasons for their victimisation is the lack of safe working places, which is often the result of national sex work laws and municipal by-laws that criminalise or penalise sex work or certain aspects of it. In settings where sex work is legalised or regulated, the regulatory framework is not available to sex workers who are undocumented or who are not EU nationals. High levels of stigma prevent many sex workers from registering and working in the formal economy, rendering their labour conditions and struggles practically invisible.

- Migrant sex workers are estimated to comprise more than 65 percent of the sex worker population in Western Europe, and a significant segment of the community in Central-Eastern Europe. However, migrant sex work in itself is not exploitation or trafficking. The conflation of (migrant) sex work with human trafficking permits states' arrests and prosecutions of migrant sex workers that do little or nothing to address egregious forms of exploitation. Evidence shows that police raids and rescue operations often result in migrant sex workers having to work clandestinely, rendering them particularly vulnerable to exploitation and abuse.<sup>3</sup>
- The conflation of 'prostitution' with 'sexual exploitation' increasingly adopted by many countries and advocated by 'neo-abolitionists' who promote the criminalisation of sex work as a whole, obscures the complex realities of sex workers' lives and working arrangements, and consequently fails to address the diversity of exploitative working practices that occur in the sex industry. Exploitation is understood by sex workers to include unjust labour relations between sex workers and those who in some way facilitate and profit from their work. This is contrary to the neo-abolitionists' stance that all clients and third parties of sex workers are exploiters. Sex workers hardly ever define their relationship with their clients as exploitative.<sup>4</sup>
- Although there is no movement-wide consensus of what constitutes decent work in the sex work sector, understanding that both sex work (a form of work and income-generating activity) and exploitation in the sex industry (partly as a result of labour arrangements that enable one person to take unfair advantage of the work of another person) belong to the realm of work helps us to analyse the sector through the lens of labour, like other sectors.

3. International Committee on the Rights of Sex Workers in Europe (ICRSE) (2016). Exploitation. Unfair labour arrangements and precarious working conditions in the sex industry. [Link](#)

4. 2015 Consultation with sex workers, 2019 convening in Brussels, 'Undeserving victims? A community report on migrant sex workers access to justice.'

## 2. 'End Demand': Understanding the concept, its rationale and consequences

- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000 (UN Protocol hereafter), requires states to **'discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking'**, as do the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the 2011 EU Anti-Trafficking Directive (2011/36/EU) (the Anti-Trafficking Directive hereafter). These legal instruments do not focus on any particular sector.
- 'Demand' and 'supply' are terms borrowed from economics and are associated with market dynamics. Hence, the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) argues that the notion of demand should be understood in economic terms. In the broad understanding of the concept of 'demand' within labour, there are numerous actors that can generate demand: employer demand for cheap and exploitable labour, consumer demand for goods and services produced or provided by exploitative labour, but also demand created by recruiters, brokers, transporters and others. Lastly, there is also the demand created by the suppliers themselves (e.g. migrants' and sex workers' demand for better life opportunities).
- It should be noted that demand and supply interact with each other in a more complex way than what is usually assumed in the context of trafficking (e.g. 'demand fuels supply' or 'trafficking is driven by demand' or 'without demand, there would be no supply'). For example, in some contexts, the wide availability and affordability of domestic workers can create a demand for their services which is not present in contexts where they are not as available or affordable.
- Demand reduction in the context of crime prevention is usually associated with demand for goods or services that are illicit, e.g. drugs, or firearms manufactured or procured illegally. However, only in the context of human trafficking has addressing 'demand' been codified by international law as a state obligation.

The 'end demand' notion is a residuum of political negotiations of the Palermo Protocol between 1998-2000. The United States, supported by the network of abolitionist NGOs (headed by the Coalition Against Trafficking in Women), recommended addressing the 'demand for prostitutes'. However, the proposal was dropped as it would have potentially blocked consensus, as states that regulated or tolerated 'voluntary' prostitution would not be able to sign. At the final stage of the Palermo Protocol negotiations, the US delegation submitted a document proposing prevention measures, including demand as currently codified by international law. The text was accepted with only minor changes without further discussion and was seen as a compromise.<sup>5</sup> The UN High Commissioner on Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>6</sup> recommends that preventive measures shall address demand as a root cause.

- The inclusion of 'addressing demand' in international law brought confusion as to which kinds of obligations the provision creates for states. Experts conclude that there is no clear answer because the term 'demand' is introduced in a broad context of prevention and remains notoriously vague and ambivalent.<sup>7</sup> The general vagueness of the term 'demand' was clearly acknowledged in a 2010 Commentary by the United Nations High Commissioner for Human Rights (OHCHR 2010 Commentary hereafter).<sup>8</sup>
- The OHCHR 2010 Commentary<sup>9</sup> lists examples of how states are able to shape demand for goods and services produced by trafficking. These include laws and policies on a range of matters, including immigration, employment, welfare and economic development. For example, stigma, discrimination and/or lack of legal status of domestic workers, 'entertainers' or migrant workers, among others, create an environment in which the exploitation of these persons becomes both "possible and worthwhile".<sup>10</sup> Thus, end demand interventions should include measures against discrimination, or the adoption and enforcement of legislation to protect workers or migrants from exploitation. Demand reduction can also be achieved through supply-side measures (that is, addressing the root causes that make people vulnerable to exploitation).
- Despite this clarity from the OHCHR, end demand in the context of trafficking has been increasingly implemented and promoted by European states as a need to make the whole sex work sector illicit by criminalising buyers and third parties as those actors on the 'demand side', while defining those on

5. Norbert Cyrus, *The Concept of Demand in Relation to Trafficking in Human Beings. A Review of Debates since the late 19th Century* (DemandAT Working Paper No 2, 2015), Marjan Wijers, *Demand, Prostitution Regimes and Human Rights* (commentary in the framework of DemandAT 2017).

6. *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, OHCHR 2002.

7. Anne T Gallagher, *The International Law of Human Trafficking* (Cambridge University Press 2010), Norbert Cyrus, *The Concept of Demand in Relation to Trafficking in Human Beings. A Review of Debates since the late 19th Century* (DemandAT Working Paper No 2, 2015).

8. *Recommended Principles and Guidelines on Human Rights and Human Trafficking. Commentary*. OHCHR 2010: 'While accepting the need to address demand, it is important to acknowledge the limits of a term that is not properly defined, is under-researched and is still subject to debate and confusion.'

the 'supply side' as victims. However, it is worth pointing out that this is not a state obligation as defined by international law, but rather states' own interpretation of an 'end demand' measure.<sup>11</sup> End demand interventions should be understood as interventions to address the demand for goods and services **produced or provided in the context of exploitative situations**. Therefore, the core measures aiming to reduce demand should focus on **reducing exploitation** within a sector and not criminalising a sector in its entirety, such as the sex work sector.

- Whereas the Anti-Trafficking Directive as well as the Council of Europe Anti-Trafficking Convention require member states "to consider" criminal sanctions, the latest Resolution of the European Parliament on the implementation of the Anti-Trafficking Directive "calls on the Commission to amend the Anti-Trafficking Directive with a view to ensuring that Member States explicitly criminalise the knowing use of all services provided by victims of trafficking which involve exploitation". As a result, the European Commission will assess the possibility of modifying the provision of the Anti-Trafficking Directive on criminalising the use of exploited services from victims of trafficking.<sup>12</sup> In addition, various neo-abolitionist NGOs call for the removal of the word "knowing" from this modification, such that the use of services provided by victims of trafficking will be criminalised, whether or not the client knew of the individual's situation.
- Criminalising clients of sex workers and third parties is based on a number of fallacious assumptions including understanding trafficking only as 'sex trafficking', applying instrumental notions of demand and supply to humans, and ignoring the structural and systemic discrimination against women permeating all aspects of their life, including in the context of migration.
- The protectionist approach<sup>13</sup> exacerbates the vulnerabilities of sex workers to violence, exploitation and human trafficking, rather than eliminating the 'demand that fosters exploitation'. These laws are disproportionately enforced in the spaces occupied by sex workers – their homes, neighbourhoods, working establishments and other workspaces. As a result, sex workers, not clients, incur the majority of profiling, surveillance and policing under these measures, not only while working but also in their day-to-day lives.

9. OHCHR Commentary, 2010.

10. OHCHR Commentary 2010, p.101.

11. In its monitoring of State Parties to the CoE Convention against Trafficking, GRETA has repeatedly commented that criminalising the purchase of sexual services is not required by Article 19 as such, or other provisions of the Convention targeting demand. See: Siobhán Mullally: Article 19 Criminalisation of the Use of Services of a Victim, A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings, Dec.2020. GRETA, Report on Norway, I GRETA(2013)5, para 113, for example. GRETA has noted that imposing fines on persons engaged in prostitution, and/or their clients does not specifically correspond to the obligation under Art 19 of the Convention, which is to criminalise the use of services provided by a person known to be a victim of trafficking; GRETA, Report on Spain, I GRETA(2013)16, para 127.

12. See the new EU Strategy on Combating Trafficking in Human Beings 2021-2025.

13. The protectionist approach which seeks to curtail or curb women's activities or freedoms with the rationale that the aim is to 'protect' women from harm or wrongdoing. This approach does not challenge gender discrimination, but reproduces it in the guise of protecting women.

- Instead, a human rights perspective should prioritise measures to address **demand for cheap, underpaid or even unpaid work and services, demand to easily control (sex) workers or keep workers in isolation and abusive situations, and demand for unregulated/undeclared and unprotected labour or services, often performed in the context of (irregular) migration.**
- New Zealand, where sex work is decriminalised, has implemented demand-side measures in a way that they explicitly prohibit pressuring a sex worker to provide services, policies that sanction illicit behaviour of intermediaries, and within which the state also seeks to influence clients and intermediaries by 'codes of conduct' for operators within the sector.<sup>14</sup> This contrasts with Sweden's overuse of criminal law, making it illegal to purchase sexual services and running various campaigns that discourage men from purchasing sex. These measures have an adverse effect on sex workers' safety and wellbeing.
- Sex workers' rights groups and anti-trafficking allies have tried to shift the concept of 'demand' in a more rights-based direction by: trying to reduce the demand for unprotected paid sex, reducing the demand for exploitative labour practices within the sex work sector, and increasing awareness among 'demand' (i.e. clients) about treating sex workers respectfully and ethically.<sup>15</sup>

14. [Link](#)

15. Moving Beyond 'Supply and Demand' Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking 2011 Global Alliance Against Traffic in Women (GAATW).

### 3. From vulnerability to resilience: the role of community in preventing and ending trafficking

- Concepts of agency, vulnerability and resilience are critical to a nuanced political analysis of exploitation in the sex sector. A lot of attention has been placed on the ‘vulnerability’ of people at risk or victims of exploitation and trafficking. According to the UN Protocol, ‘abuse of a position of vulnerability’ constitutes a ‘means’ by which people are exploited and is an integral part of the definition of human trafficking. However, less attention has been paid to its counterpoint: the resilience of individuals and communities to protect themselves from abuse, exploitation and trafficking. Resilience must be recognised and integrated in any policy developments with a focus on the empowerment of ‘vulnerable’ communities.
- Resilience can be understood at both a personal level and a community level, with the latter positively impacting the former. For the purpose of this resource, we understand **resilience as the sustained ability of a community to use available resources to respond, mitigate and prevent violence, abuse, exploitation and trafficking.** The vulnerabilities of a population prone to exploitation and human trafficking can be addressed by tapping into their resilience, through empowering their communities and community-based organisations.
- International organisations and policy makers focusing upon the HIV/AIDS policy field, including UNAIDS, the World Health Organisation (WHO), the United Nations Population Fund (UNFPA), and the United National Development Programme (UNDP), have called for the decriminalisation of sex work and elimination of unjust non-criminal laws and regulations against sex workers.<sup>16</sup> They have also recognised that violence against sex workers must be prevented and addressed in partnership with sex workers and their organisations, and that sex workers and their organisations should be meaningfully included in policy making. Relatedly, the Global Commission on HIV and the Law<sup>17</sup> points to evidence that where sex workers’ communities are empowered, supported and consulted, they can be strong allies for anti-trafficking efforts, providing critical information about trafficked and underage people.

16. [Link](#)

17. The Global Commission on HIV and the Law was composed of world leaders and advocates in the areas of HIV, public health, law and development. It issued its final report in July 2012 and supplemented it in 2018 with additional recommendations. The report is the result of 18 months of extensive research, consultation, analysis and deliberation. It is based on evidence derived from the testimony of more than 700 people most affected by HIV-related legal environments from 140 countries, expert submissions and the large body of scholarship on HIV, health and the law. The Commission’s report and full documentation of the consultative process are available at: [Link](#)

According to the WHO, “[c]ommunity empowerment is a critical enabler for improving key populations’ living conditions, developing strategies for health and rights interventions and redressing violations of the human rights of people from key populations. Community empowerment can take many forms, such as meaningful participation of people from key populations in designing services, peer education, implementation of legal literacy and service programmes, and fostering key population-led groups and key population-led programmes and service delivery.<sup>18 19</sup>

- Sex workers globally organise and develop structures and programmes to protect themselves from violent clients and support themselves to work independently, such as identifying where to work, what prices to charge, and so on. Many sex workers’ organisations also play a vital role in preventing children from entering into the sex industry and supporting those who have been trafficked into it. The self-regulation model has been recognised by sex worker communities globally as a progressive model for the protection of their rights. The Global Network of Sex Work Projects (NSWP)<sup>20</sup> calls for this to be recognised through greater dialogue and partnership with the sex worker community, to simultaneously reduce trafficking in persons and address sex workers’ human rights concerns.
- ICRSE’s *Rights not Rescue* project builds on the philosophy that sex workers must be seen as agents of change in efforts to address exploitation and human trafficking. The Rights not Rescue initiative opposes the deeply rooted narrative of agency-less ‘prostituted’ women in need of rescue and rehabilitation. ICRSE calls for sex worker inclusive anti-trafficking policies, where the role of sex workers’ collectives in responding to violence and exploitation is recognised and sex workers’ community-based organisations are involved in anti-violence and anti-trafficking programmes at the local and national levels.

18. World Health Organization (WHO) “Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations. 2016 Update.” 2016.

19. “Key populations are defined groups who, due to specific higher-risk behaviours, are at increased risk of HIV irrespective of the epidemic type or local context. Also, they often have legal and social issues related to their behaviours that increase their vulnerability to HIV.” Ibid.

20. See: Global Network of Sex Work Projects (NSWP). [Link](#)

21. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025, 14.4.2021.

In the new EU Strategy on Combating Trafficking in Human Beings (2021-2025),<sup>21</sup> the European Commission invites states to enable funding for community-led and peer-mentoring empowerment programmes. It is the first time that European institutions have recognised the role of community-led and peer-support programmes in the framework of anti-human trafficking.

# Section 2

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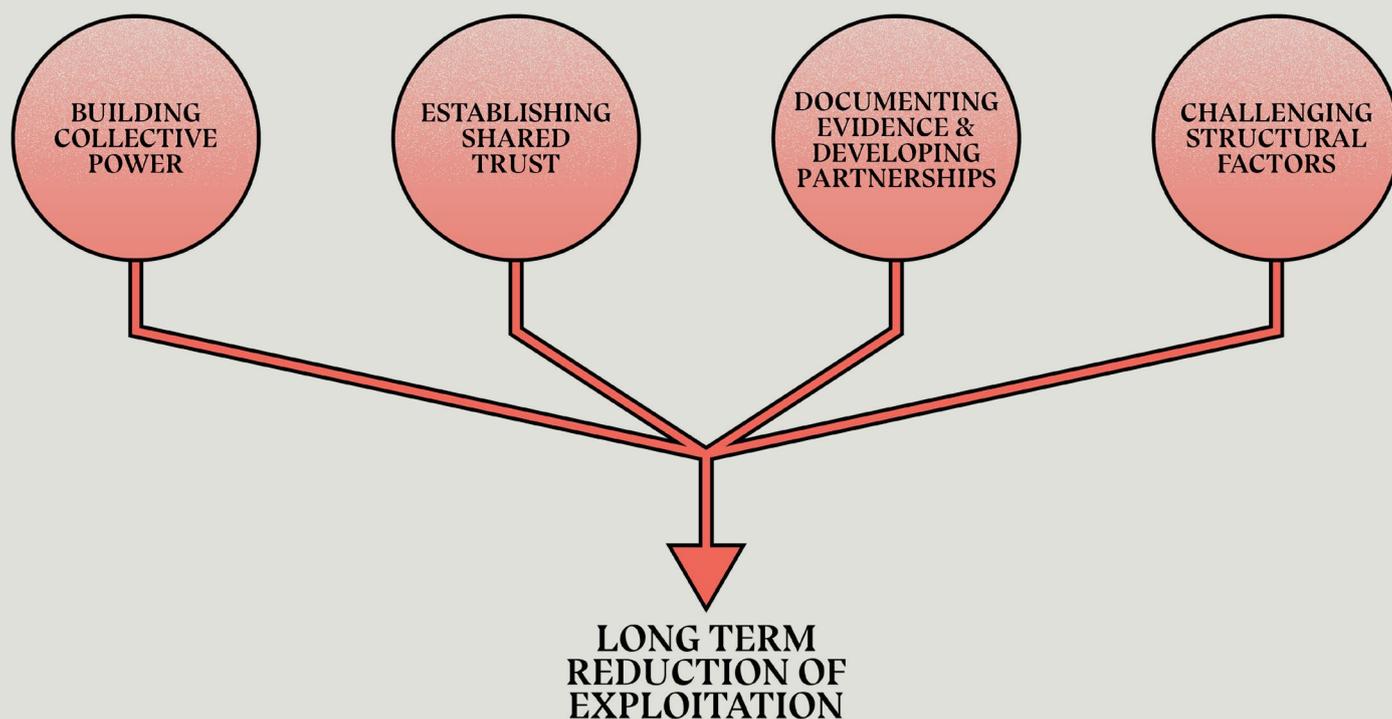
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## Introduction

As part of its Rights not Rescue programme's focus on empowering migrant sex workers to combat exploitation and trafficking, the ICRSE was able to support financially and technically 12 organisations in 10 countries in Europe. The small grants available to ICRSE members allowed them to support new or ongoing activities, from community-building to advocacy. This section of the report gives an overview of some of the key elements in successful community-led initiatives to tackle exploitation and trafficking. The fundamental basis of tackling exploitation is the self-organisation of sex workers, which positions sex workers as agents of change and, in particular, allows for organised advocacy for sex workers' rights. The report then explores how sex worker-led organisations carry out community-building activities, focusing on creating a bond of trust. This atmosphere of trust is key to enabling community-led research and evidence building. By creating evidence-based reports, sex worker rights organisations have a concrete basis to campaign for the fulfilment of rights and for law reforms that reduce exploitation in the long term.

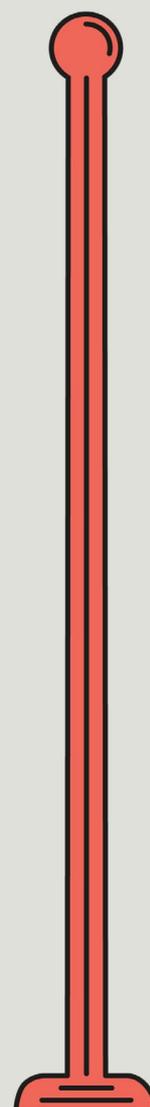


## 1. BUILDING COLLECTIVE POWER: self organisation, unionisation and sex workers' leadership

Sex workers work in many settings such as in escort agencies, massage parlours, brothels, private apartments, lap dance clubs or on the street, and they engage in various types of working relationships with parties other than their clients. Referred to as third parties, these individuals or entities play a key role in organising and managing sexual commerce, handling transactions between sex workers and their clients, or providing other ancillary services. All of these third-party relations significantly shape sex workers' labour arrangements and working conditions and, as such, can often be seen as employer-employee relationships. For long-lasting change, sex workers must be seen, and must see themselves, as agents of change. The self-organisation and unionisation of sex workers and the strengthening of labour rights are therefore fundamental to the elimination of exploitation.

**Unionising sex workers to win long-term change.** The [X:Talk Project](#) (UK) is a sex worker-led workers' co-operative which approaches language teaching as knowledge sharing between equals and regards the ability to communicate as a fundamental tool for sex workers to work in safer conditions, to organise and to socialise with each other. A key success story is the unionisation of sex workers. In collaboration with a grassroots trade union, [X:Talk Project](#) created an official trade union branch: [United Sex Workers](#). The branch focuses on the recruitment of migrant sex workers, addressing barriers to organising with migrants, and increasing migrant sex workers' access to justice and labour rights. A significant achievement in the recognition of labour rights took place in February 2020, when United Sex Workers supported [Sonia Nowak](#) in her tribunal case on her entitlement to 'worker status' as a dancer.<sup>23</sup> (see box 1). In another case, United Sex Workers supported a migrant sex worker who won compensation for harassment carried out by her boss. The positive outcomes of these cases demonstrate the significant impact unionisation can have on sex workers' access to justice and the elimination of exploitation and harassment in their workplace.

**Unions and sex worker collectives are collaborating.** Despite sex work being regulated by law in Austria, sex workers still cannot enjoy the same labour protection as other workers, and trade unions are hesitant to stand up for sex workers labour rights as they do for workers in other sectors. [Red Edition](#), the migrant sex workers' collective, together with [LEFÖ](#), social services provider and sex worker rights advocate, developed an



ongoing collaboration with the Austrian youth trade union [ÖGJ](#) to push forward lobbying activities for sex workers' labour rights. A working group is drafting a position paper and planning a visit to the ÖGJ federal branch in order to receive support from the largest trade union confederation in the country. These efforts will contribute to the ongoing aim of **Red Edition** and **LEFÖ** to ensure that sex workers rights will be fully recognised as labour rights in Austria.

**Ensuring that sex workers are involved at all stages of decision-making is fundamental for self-organisation.** Sex workers must have the opportunity to speak on their own behalf. Efforts to facilitate representation and to provide skills-based training so that everyone has the opportunity to participate are therefore highly important. Organisations involved in the *Rights not Rescue* programme made significant efforts to ensure that migrant sex workers were represented. For example, the committee of the union branch created by the **X:Talk Project** includes a significant number of migrant sex workers. In Belgium, over the course of the project, several migrant sex workers joined [UTSOPI](#) as affiliated or effective members.

[Sex Workers Alliance Ireland \(SWAI\)](#) took significant efforts to ensure migrant sex workers' leadership was encouraged and facilitated. Migrant sex workers were involved in navigating **SWAI's** research programme and were consulted in the creation of a harm-reduction [resource](#) for street-based workers. Supporting migrant sex workers' leadership created an environment of trust, which proved key in reaching at-risk groups. **SWAI** was able to refer victims of trafficking to dedicated caseworkers, who provided much-needed support on issues such as immigration status and financial or social welfare. Legal assistance was also provided to sex workers after police raids or after they had been charged with brothel-keeping due to working together.

In one specific case, **SWAI** helped an undocumented Malaysian sex worker navigate herself out of a trafficking situation by providing emergency cash and directing her towards an ally organisation in her area. In another instance, **SWAI** linked a Kenyan worker with a solicitor after she was raided, intimidated and threatened by police. The solicitor intervened with the police and the **SWAI** caseworker remains in regular contact with the sex worker.

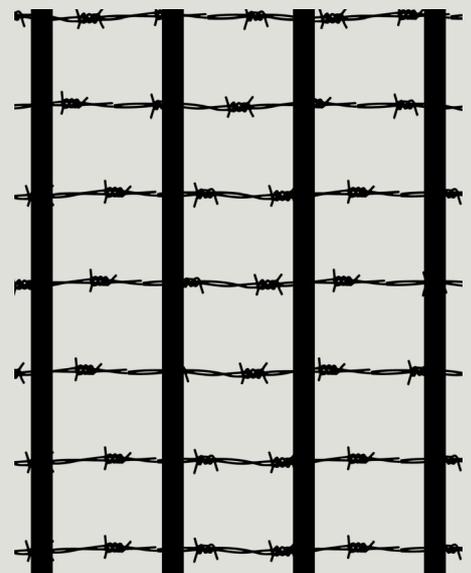
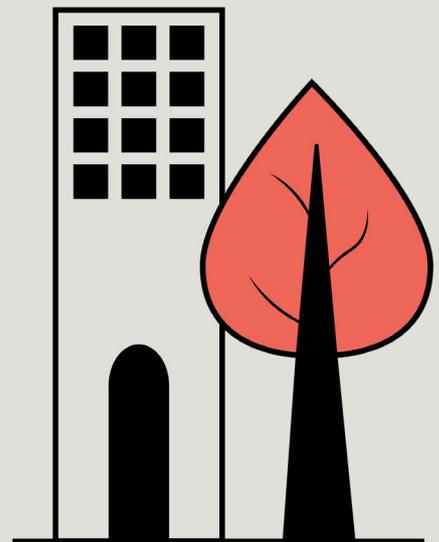


Many migrant sex workers may not understand how to access services. **SWAI** helped a migrant sex worker with no money or medical card to access free healthcare for both chronic and acute health conditions. In another case, **SWAI** helped a Chinese worker who had no English language knowledge to navigate the welfare system and referred her to a relevant organisation to help with her immigration issues. Such support is often a lifeline for migrant sex workers who may not be aware of their rights in the country and who may be in particularly precarious situations.

**Providing support to newly formed migrant collectives can be particularly impactful.** [Comitato per i Diritti Civili delle Prostitute onlus](#) (CDCP onlus), formed in 1983, is the only sex worker-led organisation in Italy that runs a shelter for migrant women who have been identified as victims of trafficking and various forms of exploitation, including coerced sex work. In 2019, it initiated a collaboration with a collective of Peruvian sex workers at a workshop in Bologna. The collective was formed in order to develop an effective strategy for peer support, to address the institutional violence they faced as migrant sex workers.

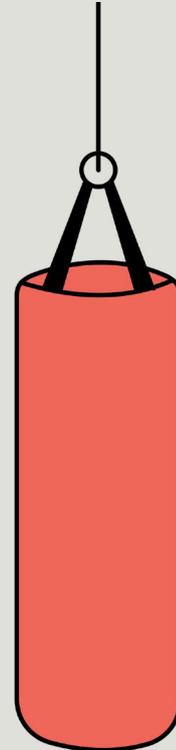
In the UK, migrant sex workers in the [English Collective of Prostitutes](#) (ECP) spearheaded an initiative after the Brexit referendum vote to produce rights-based information which was distributed among informal networks and organisations. It documented common injustices from the police and immigration authorities including illegal searches, threats of deportation, raids and arrests. From this grew a self-help initiative where migrant women organised together to share their expertise. This resulted in more than 10 women successfully preventing their removal from the UK. In other cases, women defeated criminal charges and publicised police illegality and racism. An initiative focused on lack of access to justice for migrant sex workers has been a bridge to work with anti-trafficking organisations and, as a result, one group publicly supported calls to decriminalise sex work and others shifted their public messaging to promote public health solutions and away from a criminal justice approach.

**Ensuring leadership participation not only means opening opportunities but ensuring that people have the skills to take an active role.** [STRASS](#), the French Union of Sex Workers identified that specific mentoring may be needed for migrant sex workers in leadership roles to ensure that they can fully participate in decision-making and speak in public debates. This mentoring ran alongside other empowerment activities offered by the



organisation, such as self-defence classes to improve individuals' resilience. The classes also served as a way to bring together sex workers from different migrant communities.

There are many other alternative and creative methods to leverage migrant sex workers' leadership. For example, [Radio AVA](#) (a project initiated by the [X:Talk Project](#) (UK) is an excellent example of sex workers' leadership. Radio AVA is a project by sex workers for sex workers and is key in distributing information on changes in immigration rules as a result of Brexit. [ECP](#) published a [zine](#) (a short magazine) which proved successful in reaching new audiences and presenting the organisation's history.<sup>26</sup> A zine on Brexit rights is also currently being developed by and for migrant sex workers (in collaboration with [X:Talk Project](#)).



## BOX 1 - LANDMARK RULING SECURES WORKERS' RIGHTS FOR DANCERS (UK)

*Supported by United Sex Workers, [Sonia Nowak](#) took a case to the employment tribunal, demanding 'worker' status as a dancer. Dancers in London clubs had no access to basic labour rights, being misclassified as 'independent contractors' which differs from 'worker' status. In this landmark case, the judge ruled that dancers in London clubs Browns and Horns should have 'worker' status. This is hugely significant as it means that dancers can claim workers' rights such as minimum wage, holiday pay and sick leave. Ensuring rights is key to empowering sex workers and reducing their vulnerability to exploitation. It also sets an important precedent for dancers to be protected from violence in the workplace, including harassment.*

*The impact of the case did not stop on the day of the ruling. The momentum was used to organise the biggest ever Sex/Work strike in central London on International Women's Day (8th March). A follow-up meeting was also held online, involving Sonia Novak, the union organiser and Sonia's legal team. It was attended by numerous lawyers, feminist activists and sex workers. The win was a crucial step forward in shifting the debate towards labour rights for all workers and the reality of the impacts of criminalisation, which creates a significant barrier to justice.*

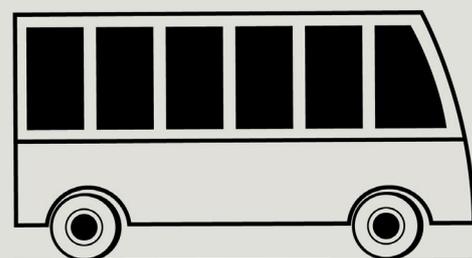
## 2. ESTABLISHING SHARED TRUST: outreach, safe spaces and peer support

Migrant sex workers face the risk of deportation, criminalisation through third-party or soliciting laws, and penalisation for violating municipal by-laws. They also face significant stigma that translates into a deep distrust of existing structures. This includes distrust of authorities, but also of service providers. To overcome this barrier, community organisations need to build trust through interventions where sex workers are consulted and, importantly, form part of the support system.

**Building trust can be challenging with some migrant sex workers communities.** The outreach team of **UTSOPI** (Belgium) introduced a bi-community approach in order to build trust by creating an outreach team composed of one sex worker and one member from the West African community. The team regularly attends the venues where Western African sex workers work and provides a safe space for migrant sex workers. It took time to build trust, but **UTSOPI** is currently assisting around 50 migrant sex workers in the Northern District of Brussels. This trust has led to **UTSOPI** serving as a mediator between police and sex workers, communicating women's demands when migrant sex workers may fear meeting directly with police. This is a significant achievement in migrant sex workers' access to justice, as they have a safe platform in which to express their concerns.

**Consulting migrant sex workers in the creation of information resources and materials and participating in the translation of these materials can increase ownership, confidence and enthusiasm in sharing them among their colleagues and community members.** **ECP** (UK) involved migrant sex workers throughout the planning and implementation of the resource '[Know Your Rights Against Deportation](#)'.<sup>28</sup> The resource was particularly important since many migrant sex workers do not report crimes against them due to fear of deportation. It outlined rights and included legal precedents to fight widespread racism, illegality and abuse from immigration and law enforcement officials. Sex workers widely distributed the resource among their peers through WhatsApp, and **ECP** was able to stop some evictions and arrests when several women got in touch after reading the resource.

**Peer support, sharing skills and information helps to strengthen trust with marginalised groups.** For example, **ECP** (UK) provides one to one support (often with the help of a peer translator) about rights, stopping raids and evictions, and applying for pre-settled or settled status. Many migrant sex workers may



not have experience of activism or knowledge about trafficking, exploitation, discrimination or human rights. For migrant sex workers, **Red Edition** and **LEFÖ** (Austria) organised regular workshops, training sessions and meetings on exploitation, structural violence and empowerment to drive long-term change. Due to their isolation, many migrant sex workers lack information about laws in the country in which they reside: the environment of trust created through skills sharing provided an opportunity for people to ask questions during workshops about legal issues or access to services.

**Migrant trans sex workers often face marginalisation and stigma from a young age. Comitato per i Diritti Civili delle Prostitute onlus (CDCP onlus)** aimed to reach out to this specific group of sex workers by organising a workshop on the Italian law on transitioning that provided practical advice on access to hormonal therapy, psychiatric support, trans-friendly specialists and language facilitators. Other workshops for migrants and migrant sex workers were also held on STIs with a health specialist. This attracted several migrant trans sex workers. The workshop had a significant effect as it led to many trans sex workers encouraging their colleagues to ask for help with health issues. Through the focus on health and the role of a peer educator, the organisation created a bond of trust with this specific group of migrant sex workers. As one of the founding members of the Casa Internazionale delle Donne di Trieste (International Women's House of Trieste), **CDCP onlus** facilitated access to this centre for migrant and trans sex workers, who use it as a safe place for meetings.

**Incorporating peer educators** can encourage more migrant sex workers to get involved in empowerment activities. This was the case for a *Hands On* workshop programme run by the **X:Talk Project** (UK) that aimed to build skills and knowledge from peers in different spheres. In Italy, **CDCP onlus** involved migrant sex workers and activists in many of the workshops and discussions. Support from a peer educator helped participants feel comfortable sharing experiences of violence and assisted in reaching indoor migrant sex workers and trans sex workers. Language facilitators were often necessary to overcome barriers to participation. This has led to a significant increase of engagement with migrant trans sex workers who require assistance for varied reasons such as health issues, legal status, residency and housing problems. As a service provider to migrant sex workers, the efforts of **CDCP onlus** demonstrate the importance of engaging with the communities they primarily serve.



Creating a safe space where sex workers can meet and share safely with their peers is an essential tool of empowerment and community building. **UTSOPI** (Belgium) provided a space for peer support through regular Listen to You meetings that help boost community resilience. Monthly peer-led drop-ins were also held online by **SWAI** (Ireland).



**SexWorkCall** (Romania) has succeeded in creating a safe community space where sex workers can come together and where peer-to-peer support is facilitated. The drop-in space makes it easy for people to ask for information or peer support, access free condoms, female hygiene products and working clothes, or simply drop by for a chat. Around 30 people visit the space each month, including migrant sex workers. The approachable atmosphere has helped **SexWorkCall** provide a range of regular support. This includes accompanying people on visits to health services and providing advice on first-time access to antiretroviral therapy and hormone therapy. **SexWorkCall** also support support sex workers access to identification documents which allows them to access key services. Through this work, SexWorkCall strengthens community resilience and creates a space where sex workers feel confident asking for assistance.

## **BOX 2 - BEYOND THE HEADLINES: SEX WORKERS ADDRESSING ROOT CAUSES OF EXPLOITATION DURING THE COVID-19 PANDEMIC**

The COVID-19 outbreak posed a huge threat for migrant sex workers. Many found themselves in precarious positions and were unable to access government support, increasing their vulnerability to exploitation. Sex worker-led organisations made significant efforts to support those in need. These hardship initiatives also served as an important opportunity to reach out to the most marginalised, build a bond of trust and strengthen advocacy.

Many sex workers required emergency financial support during the pandemic. In Ireland, **SWAI** organised payments to 170 sex workers from a crowdfunded hardship fund. The information about the fund was translated into different languages (Czech, Hungarian,

Mandarin, Portuguese, Romanian, Spanish). For many sex workers, the distribution of the hardship fund was their first contact with **SWAI** and they were then able to access follow-up support. This was an important step in reaching out to new people, including male migrant sex workers, and creating an environment of trust. Similarly, **UTSOPI** (Belgium) used their collaborative platform to organise food distribution, reaching 100 people per week. Not only did this meet an immediate need, but it helped people to understand the aims of the

organisation and the importance of having a service specifically for sex workers. **UTSOPI** leveraged the atmosphere of trust during food distributions to consult migrant sex workers about a [resource](#) detailing their rights during COVID-19. This collaboration also opened dialogue with the authorities involved in the platform on the situation of sex workers during COVID-19.

**Organisations in the *Rights not Rescue* programme campaigned for local action.** At the beginning of the pandemic, **CDCP onlus** and **Certi Diritti** (Italy) sent an open letter of appeal to the Italian government to [demand](#) economic support for irregular sex workers, the regularisation of migrant sex workers, and the release of people from detention centres, among other important demands. Along with the collective Ombre Rosse and the national anti-trafficking platform, **CDCP onlus** also launched a widespread crowd-funding campaign [Nessuna da sola](#). It was widely covered in the media and shared by peers, so that sex workers were aware of the possibility of receiving aid from local organisations. This led to 950 sex workers in 25 Italian cities receiving emergency food packages and helped to identify new migrant sex workers, particularly those from the migrant transgender community.

**Migrant sex workers often feared applying for social benefits due to the risk of being deported.** **SWAI** established a confidential referral route with the Department of Employment Affairs and Social Protection so that migrant sex workers could apply for social welfare payments even if they did not have leave to remain in Ireland. This referral path meant that it was not recorded anywhere that the worker was a sex worker, protecting

workers from stigma. This collaboration will also shape the future work of **SWAI** with governmental institutions, helping to build a mutual understanding about the needs and rights of sex workers.

**One-to-one support became increasingly important** for people in precarious situations during COVID-19. **SexWorkCall** (Romania) provided personalised support sessions and hosted sex workers facing eviction and homelessness, including migrants/people in transit, in an emergency shelter. As **SexWorkCall** has built trust within the community, sex workers abroad reached out to the organisation for assistance. Having connections across Europe with like-minded organisations, **SexWorkCall** was able to refer sex workers to trusted organisations in different countries.

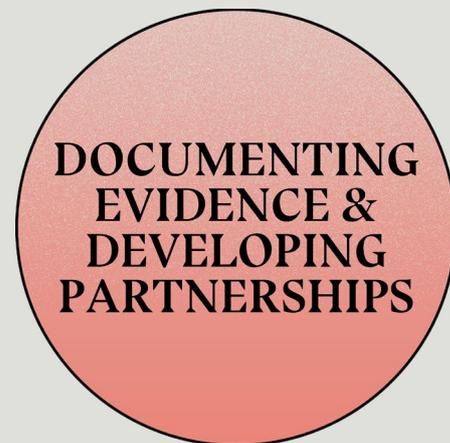
ICRSE was also able to provide direct financial support to several sex workers organisations and developed various advocacy actions and reports during the COVID-19 crisis. The report [‘Sex Workers on the Frontline’](#) and accompanying [video](#) document the work done by sex workers organisations in Europe to respond to the crisis.

### 3. DOCUMENTING EVIDENCE AND DEVELOPING PARTNERSHIPS: community research and cross-sector collaborations

Sex workers and their organisations cannot work in isolation in pursuing their human rights agenda. Sex workers' rights intersect with many other rights and issues, including migrant rights, labour rights, LGBTQI rights, victims' rights, rights to healthcare and housing, and the right to non-discrimination, to name but a few. It is therefore important to create new partnerships and build trust with NGOs and other stakeholders specialising in various issues. Evidence collection from the ground and the production of community reports summarising key findings can serve as a key to establishing new partnerships. Sex workers and their organisations are best positioned to provide evidence on the effects of public policies that aim to address issues affecting them and their well-being.

Evidence-based reports can be used to unequivocally highlight the injustices faced by migrant sex workers. In 2020, ECP (UK) developed a report titled '[Sex Workers are Getting Screwed by Brexit](#)' to demonstrate the impact of Brexit on EU migrant sex workers in the UK. The report points out how migrant sex workers are targeted by police and other authorities, as well as how the hostile immigration environment exacerbates migrant sex workers' vulnerability to violence, exploitation and trafficking. The report became crucial in building relationships with anti-trafficking organisations: ECP is now working with them to take leadership from migrant sex workers and act against harmful anti-trafficking and modern slavery policies. The report secured an invitation for the ECP to present at the Human Trafficking Foundation forum, a platform that brings together parliamentarians, NGOs, local authorities, law enforcement, academics and other experts throughout the anti-trafficking and modern slavery sector. It also provided food for thought on how to create more opportunities for migrant sex workers to be vocal on anti-trafficking issues.

[Sex Workers Advocacy Association Hungary](#) (SZEXE) (Hungary) focused on research activities to understand the exploitative situations that many sex workers may face. Non-stigmatising research is particularly lacking in Hungary and is crucial to developing evidence-based initiatives that address the real needs of sex workers. More than 200 sex workers in Hungary completed a questionnaire, using the opportunity to share their opinions about at-risk situations, as well as sex work and human trafficking. Many sex workers were wary of sharing information



and experiences. A peer-to-peer system was therefore used; a volunteer sex worker led the interviews, creating more of a feeling of trust.

Based on the findings of the report, a conference was held in which sex workers themselves shared their stories and answered questions from the audience. Sex workers were also involved in the whole process of organising the event. New doors were opened with the media in order to provide more nuanced information on sex work in a non-stigmatising manner and a new partnership with the Hungarian Association for Migrants was established to conduct follow up research into the situation of migrant sex workers.

**Red Umbrella Athens** (Greece) produced an impactful study capturing the situation of female and male migrant sex workers. The study involved qualitative research, as well as quantitative data from 114 female and 201 male sex workers. This not only gave people the opportunity to share their experiences, but the data are highly valuable in developing initiatives to improve resilience and reduce vulnerabilities of migrant sex workers in Greece. The policy paper, detailing the findings and highlighting the differences between sex work and trafficking, was published in several languages (Greek, English and Urdu). It was later covered in Antivirus magazine, a well-known Greek magazine on LGBTQI-related issues. This opened numerous opportunities for engaging with local organisations and authorities. Red Umbrella Athens organised training sessions for NGOs and the psychology department of the University of Athens and established partnerships with the Municipality and the Ministry of Labour and Social Affairs, among other organisations. Red Umbrella Athens was later invited to be part of a committee advising on laws concerning sex work in Greece, ensuring that there was a voice to represent the needs of sex workers.

In the Netherlands, **SAVE**, **Trans United** and **PROUD** developed a [research on key issues faced by migrant sex workers](#). Based on 32 structured interviews and 3 focus groups of 16 participants, the research explores topics such as health, housing, stigma, policing, exploitation and trafficking. The research was launched during a webinar featuring activists, migrant sex workers and anti-trafficking experts.

**Interdisciplinary cooperation** can be vital to achieve common goals, including the elimination of exploitation and violence against



sex workers. However, the means by which different stakeholders would like to achieve this common goal differ. It has been proven that many well-intended measures have the opposite effect on the target group. Therefore, **UTSOPI** (Belgium) has successfully developed a collaborative approach to preventing exploitation. The Platform St-Josse brings together representatives from **UTSOPI**, police, service providers, anti-trafficking organisations and policy makers. The collaboration has significantly helped to push actions forward, including the recognition of the importance of **UTSOPI**'s community work. These initiatives led to **UTSOPI** obtaining public funding from the local municipality to support their work and improving information-sharing about problems experienced by sex workers. Several successful meetings have also been held between the police and sex workers to discuss security concerns. In addition, an interdisciplinary advocacy working group led by **UTSOPI** has been very effective in establishing joint communications addressing political authorities.

The key issue in building relationships with other NGO stakeholders and in particular with service providers is the **ability and knowledge on how and where to refer sex workers in need of specialised and non-stigmatising assistance**. **SWAI** (Ireland) and **Red Umbrella Athens** (Greece) demonstrated the importance of an intersectional approach by collaborating with allied organisations providing services for people who use drugs, for women's health or for mental health issues, and also which contribute to countering exploitation. **SWAI** reached out to service providers that are in regular contact with survival sex workers by holding a webinar about their harm reduction resource.

### **BOX 3 - COLLABORATIVE EUROPEAN RESEARCH HIGHLIGHTS MIGRANT SEX WORKERS' LACK OF ACCESS TO JUSTICE**

*In 2020, ICRSE launched a community research project focusing on experiences of migrant sex worker victims of crime in Europe. Working with the partners in the Rights not Rescue programme and involving sex workers at all stages of the research (design, interviews, writing of report), the data was presented in the report 'Undeserving Victims? A community report on migrant sex worker victims of crime in Europe'. The report unequivocally demonstrates that respect, social inclusion, and protection from violence are still not a reality for a large number of migrant sex workers in Europe. This is particularly the case when the person is a victim of crime, as they face significant barriers to accessing justice, further exacerbated by criminalisation policies. The findings provide a concrete basis to demand that governmental, intergovernmental and international organisations firmly include the issue of gender-based violence and hate crimes against sex workers on their agendas and work in partnership with sex workers and their organisations on such issues.*

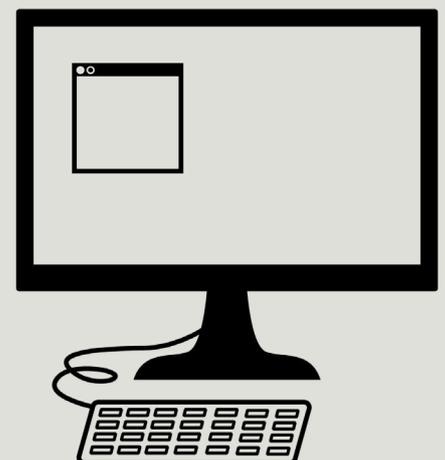
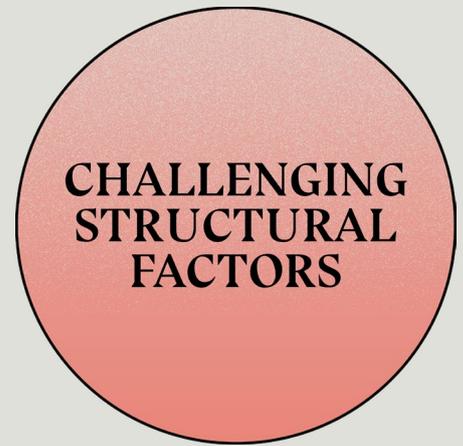
#### 4. CHALLENGING STRUCTURAL FACTORS: advocacy, campaign and law reform

Legal reform is critical for ensuring long term reduction in trafficking and exploitation. The partners in the *Rights not Rescue* project created various spaces and opportunities to amplify voices and demands of migrant sex workers. The platforms were diverse and included online campaigning and the use of public events, both of which were strategic in raising awareness of sex workers' rights and bringing together different sectors of the community.

Online campaigning can be particularly effective in our digital age and in the given situation of COVID restrictions, as demonstrated by **Red Edition** and **LEFÖ** (Austria). On International Sex Workers' Day (2nd June), a video campaign was launched involving migrant sex workers from different countries. They shared messages about sex workers' rights and demanded rapid support during the COVID-19 crisis. Campaigns have also been carried out in other countries, such as the [Decrim Now campaign](#) in the UK. Through this campaign, several sex workers organised to launch a judicial review into brothel-keeping laws in the UK. The review report is expected to have a significant impact on migrant sex workers. In Romania, interviews with sex workers were published on the **SexWorkCall** (Romania) Facebook page, highlighting life during the COVID-19 outbreak.

The **ECP** (UK)'s report on the impact of Brexit provided an important basis for its campaigning activities. Based on feedback from migrant sex workers who asked for bite-size information that can easily be shared via WhatsApp, ECP (UK) created a [short film](#) about migrant sex workers' rights. This was translated into 10 languages and was widely distributed by sex workers through language-specific WhatsApp groups. The message of the campaign was significantly enhanced as it came at the time of the #BlackLivesMatter movement.

The activities organised by **Red Umbrella Athens** (Greece) during **Pride Week** and on the International Day of Sex Workers' Rights brought together sex workers, academics, activists and other actors. In Italy, **CDCP onlus** organised a showing of ICRSE movie '*Crossings: stories of migrant sex workers*' at the Spaesati film festival and attended a photo exhibition of '*Casa Azul*,' which explores the struggles of five trans women who were imprisoned in a male penitentiary in Mexico City. On the Transgender Day of



Remembrance (20th November), a trans peer educator reported on the situation of structural violence faced by Brazilian sex workers in an event organised by the local LGBTQI association Arcigay. These activities highlighted the need to support sex workers worldwide when fighting for the recognition of sex workers' rights.

**Organisations working together can appeal against harmful legislation.** In March 2019, the **CDCP onlus** and **Certi Rights** (Italy) appealed against the anti-prostitution ordinance by the mayor of Tivoli before the regional court of Lazio (TAR). The annulment of the bill established an important precedent by the Tuscan administrative judges who issued similar sentences in other appeals on the so-called 'anti bivouac' and 'anti begging' ordinances. In 2019, **CDCP onlus** and **Certi Diritti** (Italy) challenged the Police regulation of the Municipality of Massa before the TAR of Tuscany, which became famous in the summer of 2019 for prohibiting sexy clothing and 'suggestive greetings' to counter the phenomenon of sex work. The appeal against the local municipality's ordinance was partially accepted by the regional court of Tuscany (TAR). This sentence represents another milestone on the road to dismantling the often illegitimate use of local authorities' powers against sex work. **CDCP onlus** and **Certi Diritti** (Italy) appealed to the Italian Parliament on the resumption of the fact-finding investigation launched by the Constitutional Affairs Commission of the Italian Senate. They asked for sex workers' organisations to be involved in the hearings so that parliamentarians can have a more accurate picture of the realities faced by sex workers, rather than hearing only from faith-based organisations or abolitionist movements. As a member of the national anti-trafficking platform, **CDCP onlus** has a privileged position to understand the importance of not conflating sex work with the exploitation of migrant sex workers in sex work. **CDCP onlus** produced a joint statement with the outreach services of the anti-trafficking platform on the non-conflation of sex work, trafficking and exploitation in sex work and its position against the Swedish model. **CDCP onlus** also serves as a referral to other NGOs that assist sex workers in need of legal assistance and provide shelter to migrant trans sex workers who find themselves in exploitative conditions.



## **BOX 4 - CHALLENGING HARMFUL LAWS AT EUROPEAN COURT OF HUMAN RIGHTS**

Following the decision on 1st February 2019 of the French Constitutional Council not to invalidate the penalisation of clients under the Prostitution Law, 261 sex workers, the majority of them undocumented migrants, in France have decided to bring their case to the European Court of Human Rights (ECHR). They are supported by 19 community, health and feminist organisations that defend the health and rights of sex workers.

The request filed by the sex workers and their lawyers argues that the criminalization of their clients violates the [European Convention on Human Rights](#), particularly as it relates to:

1. **the right to life and physical integrity of sex workers (article 2 & 3)**
2. **the right to privacy of sex workers (article 8) which includes freedom of self-determination**

Faced with a government and institutions that deny their lives and ignore the violence of their politics, they have decided to challenge the state. In this context, community mobilisation and sex workers' leadership is essential. The French sex workers' union **STRASS** and many other collectives collected signatures to support the complaint against France. In this process, the sex workers' union and partners organised sessions to explain complex legal process to sex workers from various migrant communities. In April 2021, the ECHR decided to communicate the case to the French government which officially set the procedure in motion. Only about 10% of requests submitted to the ECHR pass this stage. The ECHR [considered](#) that the arguments developed by the applicants were sufficiently serious to merit an adversarial debate with the government.

# **Section 3**

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## **Conclusions and Recommendations**

Sex worker-led organisations play a significant role in addressing exploitation in the sex work industry. Sex workers and their organisations are best positioned to overcome the issue of distrust of authorities and of social services providers that is widespread among the most marginalised sex workers, in particular migrant sex workers. They defend human rights, provide information and legal literacy, peer support, safe spaces, and a variety of other services, alongside actively identifying victims and providing referrals to specialised services. Sex workers and their organisations are also very well situated to observe the effects of anti-trafficking laws, policies and practices, and can provide invaluable evidence and information to contribute to effective policy-making. Community-led organisations are key to tackling exploitation, but far too often lack the resources and recognition they deserve and need.

We call on all relevant representatives of international and intergovernmental organisations, and national and local governments, to ensure meaningful inclusion of sex workers and their organisations in anti-trafficking efforts. All organisations and governments aiming to combat human trafficking should recognise the important role of sex workers and provide sufficient support and resources for their work. In particular we recommend:

**The European Commission to:**

- Ensure that the EU Civil Society Platform against Trafficking in Human Beings serves as an inclusive platform where representatives of sex workers' organisations are included and their views and grassroots evidence is heard and taken into account.
- Actively promote and encourage member states to enable sufficient and stable funding for community-led and peer-mentoring empowerment programmes, as prioritised in the EU Strategy on Combating Trafficking in Human Beings (2021-2025).
- Actively include sex workers and their organisations in the assessment of the possibility of modifying the Anti-Trafficking Directive regarding the criminalisation of the use of exploited services from victims, as the assessment is a priority set by the Commission's EU Strategy on Combating Trafficking in Human Beings (2021-2025).
- Pay particular attention to collateral damages of policies that address trafficking in human beings and encourage member states to regularly evaluate the effects of their policies and

to address the negative and/or unintended effects of anti-trafficking policies and laws on vulnerable groups such as (undocumented) migrant sex workers.

- Through EU funding, promote meaningful inclusion of representatives of sex workers and their organisations in the cooperation and coordination mechanisms for victims of human trafficking at national levels, and promote anti-trafficking prevention programmes and interventions that are implemented in partnership with sex workers and their organisations.

22. ICRSE, A Brief Guide on Collateral Damages of Anti-Trafficking Laws and Measures on Sex Workers, 18 October 2019.

[Link](#)

#### **The Council of Europe to:**

- Actively involve sex worker groups in the country monitoring mechanism of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and provide them with opportunities for participation in the collection of civil society input. Sex workers and their organisations do not always have sufficient capacities to monitor the work of GRETA or other treaty monitoring bodies and may not be aware of how these monitoring mechanisms function. GRETA's report can significantly benefit from voices from the margins by making the monitoring process sufficiently inclusive.
- Through the country monitoring visits of GRETA, pay particular attention to anti-trafficking measures and laws that may adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, of migrants, and of sex workers.<sup>22</sup>
- Through the country monitoring visits of GRETA, promote empowerment programmes and programmes that strengthen community resilience, community-led and peer mentoring, and the unionisation of workers, including migrant workers and sex workers. Promote meaningful inclusion of populations affected by anti-trafficking measures and laws and populations at higher risk of exploitation and human trafficking, such as sex workers, into anti-trafficking policy development and implementation.

#### **National stakeholders to:**

- Take actions to involve sex workers and their organisations in anti-trafficking prevention policies at local, municipal and national levels. Roll out policies and protocols at all levels that

allow sex worker organisations to participate in designing specific anti-trafficking programmes that benefit their communities.

- Include and recognise the role of sex workers and their organisations/other community-based organisations in the integrated and targeted specialist support referral and cooperation mechanism for victims of trafficking.
- Include sex worker-led organisations in local, municipal and national interdisciplinary working groups on anti-trafficking prevention.
- Set up national anti-trafficking strategies with the involvement of representatives of marginalised groups, and communities with a high prevalence of trafficking and exploitation such as migrant workers and sex workers. Ensure that members of marginalised communities take part in the monitoring and evaluation of such strategies and policies.
- Review 'end demand' policies which are driven by ideology rather than evidence and research. Assess carefully their impact on already marginalised populations, especially on undocumented migrants and sex workers.
- Critically analyse collected data on human trafficking crime in order to identify policies that are ineffective or have significant negative effects on the human rights and dignity of certain populations. Pay particular attention to policies that exacerbate vulnerabilities of already marginalised populations to exploitation and human trafficking.
- Enable funding for empowerment programmes and programmes that strengthen community resilience, community-led and peer mentoring. Promote and support unionisation of workers, including of migrant workers and sex workers. Remove harmful laws and policies that prevent certain populations from unionising and protecting themselves from human rights violations, including from exploitation and human trafficking.
- Promote a rights-based approach to sex work by calling for the decriminalisation of all aspects of consensual adult sex work and the elimination of all discriminatory and repressive laws and regulations contributing to sex workers' vulnerability to violence, abuse, discrimination, exploitation and human trafficking.

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