June 9th, 2021

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

|  |  |
| --- | --- |
| **Type of Stakeholder (please select one)** | Member State  Observer State  ⌧ Other (please specify) **European Network** |
| **Name of State**  **Name of Survey Respondent** | **TAMPEP, the European Network for the Promotion of Rights and Health among Migrant Sex Workers**  Submission in name of TAMPEP: Licia Brussa, Veronica Munk |
| **Email** | [tampep.info@gmail.com](mailto:tampep.info@gmail.com) |
| **Can we attribute responses to this questionnaire to your State publicly\*?**  **\*On OHCHR website, under the section of SR health** | **Yes**  No  Comments (if any): |

**Survey carried out by the TAMPEP’s Network on Migrant Sex Workers and the COVID-19 crisis**

The European TAMPEP network members conducted a survey on the situation of female migrant sex workers and their access to basic health services since the pandemic start. The survey was carried out in March 2021, and answered by 14 TAMPEP Network organisations in 10 European countries - Austria, Belgium, Finland, Germany, Italy, Netherlands, Norway, Scotland (UK), Spain and Switzerland - all expert services targeting migrant sex workers.

In our submission we present the summary of the most relevant answers and of the qualitative data analysis, in the framework of the purpose of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

**AVERAGE**: 75%. In West Europe, ¾ of female, male and transgender sex workers are migrants. Main nationality groups are Romanian, Bulgarian, Hungarian and Latin American.

**The situation for migrant sex workers due to covid-19**

**AUSTRIA**

In Austria sex work is regulated and health examinations at local authorities are mandatory. Between July and October 2020 it was possible to work without too many restrictions, but during lockdowns it was forbidden. Most sex workers/SW didn’t get financial support because the State asks for specific criteria which many migrants can’t fulfil. Consequences: SW were even more isolated than usual. Because they couldn’t leave the country to go back home, they fell into different sorts of dependencies. Due to lack of income they had depths and were in danger of getting homeless.

Every region can interpret regulations differently, what makes it even more difficult. Some mandatory medical services were closed, and SW got fines for not having the exams, yet they were not being offered… Many SW could not work legally because brothels were closed or house calls forbidden and no jobs in other areas were available either. Many SW did not get the information they needed because they did not know German: most public services could only be accessed online or over the phone. SW were being set up by police if they worked in apartments where they live. SW live in a limbo situation, until they can officially work again.

**BELGIUM**

In Belgium sex work is regulated. Sex workers were not allowed to work officially because it was forbidden to do sex work during the pandemic. Migrant SW, documented or not, worked in a clandestine manner, as did those with a regulated status and Belgian sex workers.

This underground, illegal working and living conditions lead to health, violence and social risks.

Sex workers with no income were having problems even to buy food, which lead them to extreme survival strategies. They were extremely isolated, also due to travel restrictions, and without any prospect of improving their situation. The consequences were additional psychological problems.

**FINLAND**

In Finland sex work follows a prohibitionist model. The situation was and is extremely difficult. Many migrant SW are without any income, what increased their need of lending money, leading to debt bondage and no perspective on how to pay it back. The context increased the risk of abuse and violence, as well as isolation, mental problems and substance abuse. Migrant SW have no or only limited access to health services, and an enormous lack of information.

**GERMANY**

In Germany sex work is legalized and regulated. Since 2017, with the new Law on Prostitution, sex workers have to register and attend mandatory health counselling. The situation of sex workers, including migrants, depends if they are registered or not. Migrants can only be registered if they have a legal status. There are about 40.000 SW registered, from an estimation of about 200.000 SW.

If they are registered and can provide information on their Tax Declaration of 2019 (since March 2020 they were forbidden to work), they have the right to get State financial support during the pandemic period.

The majority, non-registered, don’t get any sort of State support. For migrant sex workers the situation have become critical, with no work possibilities in sex work as brothels, flats, clubs, etc. were closed, many are homeless because they lived and worked in the same place. Sex workers’ organisations are the only ones to support this group financially.

Illegality has been leading to dependency, exploitation, services offered at lower prices and an increased level of violence. Illegality also hinders migrant sex workers to look for support or advice at NGOs and public health services for fear of being denounced as illegal sex workers.

Stigmatisation has led to accuse sex workers of being ‘super-spreaders of covid-19’, discrimination against migrants has increased.

**ITALY**

In Italy sex work is legal but not regulated. SW’s situation is very precarious. The mobility restrictions reduced the possibility of meeting customers on the street and indoors. Since March 2020, lockdown has contributed to increasing poverty and debts among SW. As most are migrants and highly mobile, SW find themselves without a family network or any governmental support.

The problems during lockdown were the lack of food and hygiene products, disinfectants and masks. Some SW did not have a home and lived in residences that were also workplaces, with very high costs that they could not pay.

Despair is rampant. Those who have helped migrant SW have been social organizations, a crowdfunding organized by a collective of SW’s rights, organizations for migrants’ and LGBTQI’ rights, and private donations.

In this desperate situation, SW choose to work on the street, despite prohibitions, curfews and lockdowns. The reactions of the police were always very punitive, with high fines and violent reprisals. Those who managed to organize themselves work indoors, but customers have decreased. The only way out of this dramatic situation will be vaccines, but it is unclear whether migrants without residency and health insurance will have access to vaccine.

The transgender population has greater difficulty in leaving the street at this time. Among those who asked for help, the number of transgender people was significant.

**NETHERLANDS**

In the Netherlands sex work is legalized. Even though sex workers had to stop working longer than other 'contact professions', most were excluded from financial support. Without income to pay rent, debt build up and some lost their homes. However, SW who continued to work independently were actively tracked down and punished.

Migrants SW's suffered even more from the crisis. The pandemic has been used to implement repressive prostitution policies and police violence against SW. Examples: Amsterdam warned SW via WhatsApp that the sex work ban was being actively enforced, and police in The Hague, also via WhatsApp messages, asked SW to delete their (legal) advertisements and advised them to contact aid organizations to apply for benefits for "returning to your country of origin".

The Police organized raids at workplaces and homes of SW by posing as clients. When sex workers agreed to meet, the place was searched up. These house raids lead to fines, evictions and in case of undocumented migrants, to deportation.

While this policy of tracking down and punishing sex workers was already a popular municipal policy, it did not have a legal basis before the pandemic. After all, prostitution is not a criminal activity, but using the ban due to Covid-19, seem to have gain a legal frame. Migrant SW are over-represented in the unlicensed sector. With this policy of tracking down, the risk of them being victim of violence and robbery was much higher.

The majority of SW working legally in clubs and brothels were excluded from the financial support of emergency funds, although paying taxes. Many sex workers are employed through a so-called ‘opting-in’ system which means that tax is deducted by the brothels, but they are not counted as normal employees as brothels do not pay their social security contributions.

Migrants working in non-licensed or registered forms of sex work were excluded from the state support.

**NORWAY**

In Norway sex work follows a prohibitionist model. The situation was very bad and difficult for most migrant sex workers due to the lack of clients and no economical support from the government. Some sex workers were forced into exploitative relations with third parties, in order to get free housing and help for their basic needs. Migrant sex workers, especially female SW, were chased by the immigration police, expelled or deported, accused of being a threat to public health.

**SCOTLAND**

In Scotland sex work is regulated. Government financial support for sex workers was very hard to get, for nationals but mainly for migrants, who were especially suffering with no or very little help or support.

**SPAIN**

In Spain sex work is regulated. Migrant sex workers are exposed to many discriminations. They cannot work because of the Covid-19 measures, and cannot receive the State’s economic help because of their administrative/legal situation. That is why they were and are in a real precarious and critic situation, also because of the debts they had to incur in order to survive.

**SWITZERLAND**

In Switzerland sex work is regulated and legalized. Due to Swiss federalism, the situation is very confusing for SW. Some cantons re-opened for sex work. In those were it is still closed, sex work is forbidden and it is impossible to get a work permission. It is difficult to know which rules are valid and how the police controls the measures of protection, like to have a list with the name and phone number of each client.

SW working with the 90 days permission don't have access to financial help of the State. SW with a permission to work in Switzerland for at least one year can ask for financial help if their earnings are less than 40% of the average turnover of the last five years (same rules for all independent workers). The situation was and is really bad, mainly for migrant SW, so that many have to work illegally. Consequences: increase on STIs, HIV, pregnancies and violence. Public funds are difficult or even impossible to get for mobile/migrant sex workers.

**Qualitative Analysis**

One obvious fact caused by the covid-19 pandemic, is the theme of socio-economic disadvantage, which is directly linked to that of marginality. Pockets of exclusion that were already widely present have expanded as the inequality gap has widened and the pool of vulnerable individuals has widened. The spread of the virus has had a major impact on the socio-economic system, making critical points and systematic distortions that affects sex work and the impact of social exclusion more evident.

The issue of labour, physical and mental health, as well as social security has become more prominent. This lead to critical situations like poverty and human rights violations, experienced mainly by migrant sex workers. Poverty has always been identified as one of the factors that makes people more vulnerable, which includes trafficking and other forms of exploitation.

We are seeing migrant and mobile sex workers’ communities in conditions of extreme poverty as a result of the loss of income in sex work and the informal sector. For sex workers, who many times work in both, and their families, who mostly work in the informal sector, that impact was particularly severe. Migrant sex workers and their families, who do not benefit from welfare support, are at high risk of exploitation due to the prolonged absence of income, affecting an entire community of reference and support.

Particularly worrying are the conditions of dependency linked to debts, incurred in order to survive, and situations where debt obligations raised the levels of violence, blackmail and subjugation.

Another consequence is the loss of housing, already precarious for many migrants sex workers, either because they lived in the workplace or because they were unable to afford the high rent costs. It is a fact that in a mechanism of community subsistence and families’ support, a desperate economic condition affects the whole community and not only the individual.

Measures taken to contain the development of the infection curve have involved forced quarantine, major restrictions on people's movements and limitations on economic activities. People's public and private lives were disrupted through the conversion of all possible social relationships into virtual forms, like home office. All this has occurred in a very short period of time, which contributed to an acceleration of a process of increased vulnerability.

Policies and measures adopted during the pandemic are and will be decisive in orienting the use of devices for managing measures of social protection towards needs, as well as policies against the social exclusion of the most vulnerable sections of the population. Considering democracy, it is a crucial political choice of society whether or not it respects the fundamental rights of the residents in its territory, regardless of the legal or labour status of the persons.

**Lack of support for migrants**

Sex workers’-led organisations and community base organisations has been confronted with lack of information for migrants, a total lack of state interventions addressed to migrants and migrant women, including socially isolated communities like undocumentedsex workers.

At the same time, the dissemination of Covid-19 has led to a rethinking, even if only as an emergency act, in the way certain services are offered to sex workers. However, it has been sex workers' organisations themselves that has been taken the forefront in this emergency period. There was an immediate need to strengthen initiatives aimed to provide the communities with their necessary basic needs, to give continuity to the support services already operating in the field, to mobilise activities of practical support, to advocate for the protection of sex workers' rights, to denounce discrimination and demand for political attention to this group.

**The pandemic highlighted social inequalities**

It became evident early on in the pandemic that the root causes of social inequalities would be exacerbated, widening the possibility that many migrants, but not only, would find themselves increasingly exposed to severe exploitation, simply because they were unable to move. For thousands of people, the worry of being able to pay their bills end of the month and to send something home has turned into anxiety about being able to eat at the end of each day.

Increased border controls due to Covid-19 and restrictive travel measures reduced the freedom of movement of mobile sex workers, like those who work periodically in one country and return to their country of origin, locking them in a country where they had neither labour resources nor residence.

The illegalization of sex work and the prolonged lockdowns has reduced considerably the negotiation power of sex workers, who have often been forced to accept very bad working conditions, including the reduction of prices of services offered. It also exposed them to the risks of abusive of both clients and managers.

**Exposure to the virus and exclusion from social and health services**

Precarious living conditions and insecurity regarding residence or work status have also led to sex workers’ increased exposure to Covid-19, adding health vulnerability to the already mentioned social and economic vulnerabilities.

In some European countries, the closure of low-threshold services due to the lockdown has meant an exclusion from essential health or social support services. The lack of services also means no 'cultural mediation' or interpretation that allows many migrant sex workers the access to information. The lack of access to multilingual information about norms and sanctions, and the closure of workplace has excluded a large proportion of migrant sex workers from reliable information and therefore, of making decisions.

Furthermore, the fear of being identified as either undocumented or partially documented, for being punished for exercising sex work or doing it in premises considered non-legal, has created a visible distance from primary health care services, even in countries where the access to a public health system was possible.

Paradoxical situations were also reported in countries with mandatory health monitoring systems, like in Austria. The fact that the services were closed made it illegal to work even when prostitution premises were open, because of the absence of health checks certification.

At the same time, we have received reports that the practices of deportation and imprisonment in deportation centres have continued even during the current crisis, in spite of the demands of migrant rights organisations and networks for a moratorium.

The risks for those who are forced by necessity to work on the streets in situations of visibility have increased with double administrative fines for violating curfew or lockdown measures and administrative sanctions due to ordinances against street prostitution.

Fines has increased the economic difficulties that force people to go out and work, despite the bans, bringing precariousness and indigence even further in a situation that is already of great vulnerability. Many of the emergency funds created by sex workers' organizations have been dedicated to packages of basic foodstuffs, where the situation of sex workers is far below the poverty level.

**Repressive system towards the most vulnerable**

The pandemic has highlighted, as never before, the inherent hostility and discrimination of normative and administrative models towards migrant sex workers, due to a double criminalization: as sex workers and as migrants.

Regardless of the prostitution system in the different countries, punitive practices have reached individuals severely, criminalising sex workers already in a quite precarious situation due to the pandemic. The double criminalisation shows a strong tendency of a type of normative violence against vulnerable people, instead of supporting and ensuring them the protection of their human rights.

In this repressive context it seems that legislators and institutions are using the excuse of Covid-19 health measures, to fight against prostitution and not to protect workers and their health.

This system of multiple forms of discrimination and institutionalised punitive systems has increased the risk of migrant sex workers being victims of criminal violence and robbery. The more vulnerable one is, the more one is at risk.

We are talking about a population that is mostly excluded from all forms of social benefits and emergency measures put in place by the State during the Covid-19 pandemic. Citizens that are not considered as having rights, made invisible, lead to social exclusion, abuse of their rights, up to a generalised situation of extreme social and economic vulnerability.

An unworthy situation for any democratic society.



**A N N E X**

**Migrant Sex Workers call for Rights**

With the pandemic, the rights of migrant sex workers were further ignored. For this reason, TAMPEP launched an international campaign with the title ‘**Europe has forgotten the Human Rights of Migrant Sex Workers**’, an own slogan and logo.

The campaign was presented on June 2nd, 2021, the **International Sex Workers’ Rights Day**.

The campaign can be accessed under: <https://tampep.eu/campaign>

The campaign’s Declaration is attached in PDF format.

<https://tampep.eu/wp-content/uploads/2021/05/TAMPEPDeclaration02.06.2021ENGLISH.pdf>