



July 2019

STATEMENT

The World Day to End Trafficking in Persons

A Migrant Sex Worker Networks Perspective

On this *World Day against Trafficking in Persons*, let us, as migrant sex workers and our allies, reaffirm our commitment to end labour exploitation, create safe migration routes, and truly protect victims of trafficking, including their right to remain in a country of destination and respect their choice of work.

Founded in 1993 in response to the needs of migrant sex workers, TAMPEP is a **sex worker-led European network**. It unites sex worker groups and allies in building stronger partnerships to advocate for the rights of migrant and mobile sex workers, who face multiple forms of discrimination and exclusion due to the convergence of repressive measures against migration and sex work. TAMPEP developed a tripartite approach to human rights, advocacy and networking: **the right to work, the right to health, and the right to move freely**, with the diversity of migrant and mobile sex workers at its core.

Migrant Sex Workers & Trafficked Persons for Sexual Exploitation

Both the European Union and the United Nations have highlighted that the sex industry is one of the areas in which trafficking in human beings occurs. Whether migrants engaged in sex work have been deceived or not, whether they work voluntarily or by force, they face extreme isolation, vulnerability and lack of access to rights and justice. Such social and political exclusion is one of the primary causes for the expansion of trafficking for the purposes of sexual exploitation, and for the impunity of traffickers.

One of the EU's five priorities in relation to trafficking is stepping up the prevention of trafficking in human beings. Most policy makers have limited their interpretation of prevention as ending demand for services and goods by victims of trafficking.

It is generally believed that ending demand for sexual services will end trafficking for the purpose of sexual exploitation. However, no measures are taken to discourage demand for services and goods by victims of trafficking in fishing and seafaring, the construction industry, agriculture, food processing, domestic labour, and care work. Nor have there been any attempts to use decriminalisation of sex work as a strategy to tackle trafficking and provide labour rights and protections to those selling sex in Europe.

Despite evidence that trafficking and forced labour are fuelled by the demand for cheap, low-skilled and easily disposable labour, combined with increasingly restrictive immigration policies and lack of labour protections for migrant workers, policy makers are not seeking to tackle these structural determinants of trafficking and forced labour.

There is also a growing need for legislation that offers assistance to people who have been trafficked. They should be offered realistic opportunities for a safe environment, free from fear of further abuse and exploitation – instead of being deported after they testify against their traffickers. However, the repressive legislation

governing sex work thwarts the fight against trafficking for sexual exploitation, and restricts any positive social intervention that can encourage and support the victims.

Migrant sex workers are forced into living and working in extremely disadvantaged circumstances and face even greater isolation, vulnerability and social exclusion than other sex workers. They are primarily dealt with and controlled through immigration legislation rather than sex work laws – while still being impacted by the policing of sex work, and both legally and socially disadvantaged as a result of their migrant status.

This makes political inclusion of migrant sex workers and those who have been trafficked for the purpose of sexual exploitation even more complex; these people often lack right of residence and therefore access to even the limited legal, social, and health care facilities available to resident sex workers.

The common discourse on migrant sex work however, tends to disregard the complexities of real life of migrant people and present trafficking in a simplified way, that zeroes in on sexual exploitation and ignores other forms of forced labour and servitude. In this approach, sex work is equated with sexual exploitation and thus with trafficking. Sex work is then portrayed as inherently violent, and sex workers – particularly migrant sex workers – as victims. The anti-trafficking legislation is therefore wrongly and dangerously applied to the sex industry as a whole.

Responding holistically to the needs of migrant sex workers is the most effective instrument against their exploitation and therefore against trafficking.

Safe Migration Routes and Addressing the Structural Causes of Trafficking

The increase in international migration in the second half of the last century, primarily from less advantaged areas to more economically robust countries, came as a direct result of the changing global structure of society and increased opportunities for mobility. In addition, wars and civil unrest across many regions of the world have uprooted many peoples from their homes and contributed to hundreds of thousands of migrants and refugees, many of them coming to Europe.

The lack of social and economic opportunities in underprivileged countries has remained the primary cause of migration. Since the 1970s there have been significant increases in the number of women who migrate alone in search of new prospects for their own survival and to sustain their families in their countries of origin. This global trend of poverty amongst women has directly affected the "**feminisation of migration**".

A governmental approach that operates solely within the framework of "illegal immigration" offers no contribution to the welfare of migrant and trafficked people. It has resulted in increased vulnerability for everyone, regardless of how much agency they exercise in crossing borders or in choosing their employment. The inflexibility and harshness of recent immigration policies across Europe have exacerbated the potential for exploitation of migrant women, but failed to reduce either their influx, or their presence.

It is high time to recognise that migrant women are an integral part of the labour market, and for many of them, due to the language barrier, lack of professional training or work permits, sex work remains a practical solution to provide for themselves and their families.

Responding Effectively through Supporting Sex Worker-led Efforts to Support Victims of Trafficking

Essential to the social and political inclusion of migrant sex workers and persons affected by trafficking and sexual exploitation is the recognition of their needs and rights, via an on-going dialogue with sex workers - through sex worker-led organisations and non-judgemental service providers.

Some examples of such dialogue over the last two decades have resulted in the establishment of health and social care support services that work in partnership with sex workers to ensure their efficacy in responding to the reality of sex workers' lives.

Such interventions, in order to be successful, should be unaffiliated with any state authority, and operate within an ethical framework of the civil and human rights for all. TAMPEP supports the concept of a firewall – a clear separation between immigration enforcement and the provision of essential services.

To end the exploitation and abuse in the sex industry, governments have been using anti-trafficking legislation against sex work and migration, instead of creating a safe and supportive environment for sex workers to work, self-organize and demand good working conditions.

Instead of providing comprehensive rights and protection programmes for victims of trafficking, punitive measures against sex workers, in particular against migrant and mobile sex workers, are being implemented. Such measures endanger the security and well-being of sex workers, compromise their health and working conditions, and precipitate more dependency and more exploitation. The effects of such a repressive and unnuanced approach to trafficking include;

Putting the enforcement of immigration rules ahead of people's fundamental rights prevents sex workers without regular status from accessing services, reporting crimes and getting protection.

TAMPEP Recommendations on The World Day to End Trafficking

Drawing from the 25 years of TAMPEP's work and experience in assessing migration and sex work in Europe, and in implementing programmes for protection of the human rights of migrant and mobile sex workers, the TAMPEP Network puts forward the following recommendations on the World Day to End Trafficking of Persons:

■ **Acknowledge the intersection of sex work, migration and health policies** and their impact on the living and working conditions of sex workers. Adopt a stance that is based on non-discrimination and inclusion.

■ **Sex work and forced labour are two separate phenomena.** Anti-trafficking laws must not be used to target sex workers, in particular migrant and mobile sex workers, and curtail their rights.

■ **Respect and protect the human rights of migrant sex workers, including the rights**

- to work
- to free choice of employment
- to just and favourable work conditions
- to freedom of movement and residence
- to equal protection under the law
- to the highest attainable standards of physical and mental health

■ **Sex work policies should provide access to justice and legal protection.**

■ **Acknowledge the global reality of migration, including for sex work.** Abolish laws and policies that criminalise both activities, and provide the possibility for migrant sex workers to obtain residence and work permits in order to increase their autonomy and independence, and to prevent exploitation.

■ **Recognise and respect self-determination of sex workers.**

■ **Ensure the participation of migrant and mobile sex workers in the design, development, implementation and evaluation of migration and sex work policies.** Use their cultural backgrounds and their vast experience of mobile work for finding just and sustainable policy making solutions.

■ **Victims of trafficking must not be further exploited as witnesses.** States should acknowledge their responsibility to assist and protect victims of trafficking – regardless of their ability or willingness to co-operate or testify in court proceedings.

■ **Governments should address women's poverty, education for girls and the protection of women's rights as a global anti-trafficking strategy.**

■ **State bodies should recognise restrictive immigration legislation, and anti-prostitution policies as contributing factors to human trafficking and related abuses.**

TAMPEP considers migrant sex workers to be agents of social change, and in doing so recognises their cultural identity and their right to contribute to the development of effective policies and services.



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