



TAMPEP Position Paper on Migration and Sex Work

The TAMPEP project

TAMPEP (*Transnational AIDS/STD prevention among Migrant Prostitutes in Europe Project*) is an international networking and intervention project operating in 22 countries in Europe which aims to act as an observatory in relation to the dynamics of migrant prostitution in Europe. The project's aims are:

- to advocate for the human and civil rights of migrant sex workers,
- to facilitate the sharing of knowledge, experience and good practice amongst the members,
- to develop and implement effective strategies of HIV and STD prevention amongst migrant sex workers across Europe.

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RETHINKING THE PARADIGM OF MIGRATION AND PROSTITUTION

The unparalleled increase in international migration in the second half of the last century, primarily from economically deprived countries to economically advantaged countries, came as a direct result of the changing global economic structure and increased mobility opportunities. In addition, the increase in wars and civil unrest across many regions of the world has uprooted many peoples from their homes and contributed to many hundreds of thousands of new migrants and refugees. The structural, political, economic, and social transformation in many regions in the world such as Latin America, Southeast Asia, Africa and the Central and Eastern European countries has resulted in an unparalleled increase in migration around the world, and particularly towards Western Europe in the last decade.

Women & Migration

The lack of social and economic opportunities in economically deprived countries has remained the primary cause of migration and since the 70s there has 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. The global trend of poverty amongst women has directly affected the "feminisation of migration". Experience has taught us that an approach that operates solely within the framework of "illegal migration", offers no contribution to humanitarian responses to the situation of migrant and trafficked sex workers. Such approaches have resulted in the increased vulnerability of both migrant and trafficked sex workers. The inflexibility and harshness of new legislation around migration, has worsened the situation and exploitation of migrant women within Western Europe, but has managed to reduce neither their influx, nor their presence. It must be recognised that migrant women, as a result of the lack of opportunities in their own countries, have come to integrate themselves in the labour market: to offer something and receive something in return. For this reason, we characterise this migratory movement as **labour migration of women**. Migrant women who work in prostitution in Western Europe, regardless of their country of origin, are no exception.

The undeniable presence of migrant female sex workers, including transgender sex workers, in Western Europe requires a transformation in the thinking around women's migration. Migrant sex workers should be considered as part of the labour migration of women rather than thinking of all migrant sex workers as victims of trafficking and sexual slavery.

Prostitution must now be seen as an international phenomenon with common issues such as: the rapid development and diversity of the sex industry, the presence of non-migrant and migrant sex workers, the extreme mobility of sex workers and the presence of criminal organisations that organise and control the sex industry.

Prostitution & Repression

Traditional perspectives have been repressive, moralising and controlling, perceiving sex workers and their clients to be objects rather than active subjects, excluding them from discussions and decisions around policy and legislation. The marginalised and often illegal status of the sex industry within our societies has led to the social exclusion of sex workers. Health and social care cannot be effectively provided within a repressive or judgemental framework. Sex workers continue to struggle to get their health and social care needs met.

The social exclusion of sex workers exacerbates the situation of migrant sex workers who in addition face the pressure of restrictive migratory legislation, which often excludes them from the limited legal, social, and health care facilities available to non-migrant sex workers. These characteristics do not differ significantly across Europe and other regions of the world.

A prerequisite of the **social inclusion** of migrant and transgender sex workers is the recognition and implementation of the **human and civil rights** of all sex workers as women, as migrants and as sex workers.

Migration & Prostitution

In many Western European countries, female migrant sex workers constitute a significant percentage, in some cases as high as 70%, of the country's sex workers, however, the current legislative frameworks and health and social care services are too narrow and restrictive to respond to this new reality.

Migrant sex workers should be accorded human and civil rights within society that ensure they are not vulnerable to exploitation and abuse by their clients or controllers of the sex industry and traffickers. In addition they should not be perceived

as primarily objects for exclusion and/or abuse by police, health and social care workers or immigration officials. It should be recognised that they are part of a process of internationalisation, as a result of the new world economy, over which they have little if any control. It is, therefore, essential to overcome the marginalisation of migrant sex workers and ensure the provision of effective legal, health and social care services that are mindful of their human rights and go beyond focussing on them solely as objects of sexually transmitted infections. Responding holistically to the needs of migrant sex workers is the most effective instrument

against their exploitation and thus against trafficking in women for the purpose of prostitution.

The undeniable presence of migrant female sex workers, including transgender sex workers, in Western Europe requires a transformation in the thinking around women's migration, which is inclusive of migrant sex workers and considers them as part of labour migration of women rather than thinking of all migrant sex workers as victims of trafficking and sexual slavery.

RETHINKING THE PARADIGM OF MIGRATION AND TRAFFICKING

Both the European Union and the United Nations have highlighted that migrant prostitution is one of the areas in which trafficking in women has become rooted, and is on the increase. Whether female and transgender migrants working in prostitution have been deceived or not, whether they work in prostitution voluntarily or by force, they face extreme isolation, vulnerability and lack of rights, which is paralleled by the isolation, vulnerability and lack of rights of ALL sex workers. Such social and political exclusion of sex workers is one of the primary causes for the expansion of trafficking in women for the purposes of prostitution and of the impunity of traffickers.

The social and political inclusion of migrant sex workers is an important preventive measure against trafficking in women. A prerequisite of the social inclusion of migrant sex workers, including transgender sex workers, is the recognition and implementation of their human rights: as women, as migrants and as sex workers

The social and political inclusion of female sex workers, particularly migrant sex workers, is an important preventive measure against trafficking in women.

When we talk about trafficking in women, we are not referring to the few cases that reach the media or courts, but to the significant, hidden and complex problems arising through such exploitation in the sex industry, among others. This indicates that governments must re-think the consequences of their policies, which result in the exclusion of migrant sex

workers, including women who have been trafficked, from support services and deny them fundamental human rights.

THE SOCIAL & POLITICAL INCLUSION OF SEX WORKERS

Responding to Sex Workers Needs & Rights

Fundamental to the social and political inclusion of sex workers, including migrant and transgender sex workers, is the recognition of their needs and rights. For sex workers needs to be responded to and their rights to be respected, they cannot be treated as 'objects' excluded from any discussions - whether their status is legal or illegal, whether they are migrant or non-migrant. There must be an on-going dialogue with sex workers - through organisation of and for sex workers, where they exist. Such

dialogue and inclusion of sex workers over the last two decades has resulted in the establishment of health and social care support services in which health and social care workers work in partnership with sex workers to ensure that services are effective in responding to the reality of sex workers lives. Such interventions in order to be successful should be non-judgemental and non-authoritarian and operate within an ethical framework that is respectful of the civil and human rights of all sex workers.

Health promotion and social inclusion initiatives, which are mindful of sex workers human and civil rights, whose focus is on societal and individual harm reduction, while accepting an individuals right to self determine, are not always seen as morally acceptable in the context of prostitution. Some argue that such interventions promote and condone prostitution and that sex workers should be offered compassion and charity but should also be asked and expected to recognise themselves as 'victims' and repent. For all that compassion and charity are worth, if sex workers are only recognised as victims, such an approach fails sex workers when they are not accorded the same civil and human rights, as a matter of policy, as other human beings. If the issues raised by prostitution such as: violence; exploitation and access to legal, health and social care services are to be tackled then it must be recognised that working in the sex industry can be an individual choice and that such a choice should not deny any sex worker the human and civil rights guaranteed to other human beings.

**Beyond
tolerance
and
compassion**

Prostitution legislation is often repressive, following either an abolitionist or regulatory models. The abolitionist model deprives women who have made a decision to become sex workers of the rights granted to other 'respectable' citizens, which directly impacts upon their perception of themselves and their living and working conditions. While the regulatory models are often discriminatory and do not accord sex workers equal rights with other workers and/or citizens, they focus on the control of the sex industry and sex workers without taking into account employment rights or the role of the clients.

Responding to Migrant Sex Workers Needs & Rights

Within the legislative context it is important to recognise that female and transgender migrant sex workers are primarily controlled and dealt with under migration legislation rather than prostitution legislation. Migrant sex workers are not only impacted upon by the repressive enforcement of prostitution legislation, within both the abolitionist and regulatory approaches, but in addition are both

legally and socially disadvantaged as a result of their illegal migrant status.

As a result, the social and political inclusion of migrant sex workers and women who have been trafficked for the purpose of prostitution is even more complex, as often they do not have legal status or right of residence within the countries and

are therefore not entitled to the civil rights and access to services and support accorded to other citizens. However, their illegal status should not automatically deny them their fundamental human rights of access to health and social care. The phenomena of women migrating in search of work and a better life has had a major impact

on the sex industry in Western Europe, with significant increases in the number of women who when migrating have decided to work in prostitution as a means to a better life and women who have been trafficked (i.e. deceived or forced into working in prostitution) As a result of the above 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. There is a growing recognition of the need for legislation that offers assistance to women who have been trafficked for the purposes of prostitution in addition to the current legislation that prohibits trafficking in humans. However, the repressive legislation governing prostitution thwarts the fight against trafficking and thus restricts any positive social interventions that can encourage and support women to escape their exploiters. All legal means available must be used to strike against and dismantle the organised criminal networks which derive profit from the poverty, misery, exploitation and abuse of women trafficked for the purpose of prostitution. Women who have been trafficked for the purpose of prostitution should be offered realistic options that support them in achieving a safe environment, free from fear of further abuse and exploitation.

It is essential that we consider and construct legislation and policy that respects human rights and dignity and eliminates the stigma of prostitution.

ADDRESSING THE NEEDS OF MIGRANT SEX WORKERS

Discrimination against migrant women and the burden of restrictive legislation around migration, exacerbated by the marginalisation of prostitution, excludes many female and transgender migrant sex workers from legal, social and health care services and support. TAMPEP believes that the needs of female and transgender migrant sex workers, in relation to health and social care and human rights, cannot be met within the repressive policy

frameworks currently operating within Europe in relation to migration and prostitution.

TAMPEP considers migrant sex workers as active social subjects and not simply as objects for exclusion, and in so doing recognizes the cultural identity of migrant sex workers and the contribution that they have to make in the development of effective policies and interventions.

In light of this TAMPEP and it's members will continue to:

- lobby for the inclusion of female and transgender sex workers in the development, implementation, monitoring and evaluation of interventions and policy, at national and international levels.
- seek to influence policy and legislation, at national and international levels, ensuring that is inclusive and responsive to the needs of female and transgender migrant sex workers and women who have been trafficked for the purpose of prostitution.
- monitor and report on the changing patterns of female migrant prostitution within Europe.
- lobby for the rights of female and transgender migrant sex workers and women who have been trafficked for the purpose of prostitution to access health and social care services and support within the countries in which they are working.
- monitor and report on the barriers that exclude female and transgender migrant sex workers and women who have been trafficked for the purpose of prostitution from accessing health and social care services across Europe.
- facilitate the exchange of knowledge, experience and models of good practice between members of the TAMPEP network.
- facilitate the exchange of knowledge and experience between countries of origin and countries of destination of migrant sex workers.
- liaise with anti-trafficking, migrant rights and human rights organisations to develop models of good practice in relation to effective interventions.
- consolidate and further develop the TAMPEP network to coordinate efforts across Europe in ensuring effective interventions that respond to the legal, health and social care needs of migrant sex workers and women who have been trafficked for the purpose of prostitution.

Through the consolidation and further development of the networks operating at local, national, and international levels TAMPEP offers national and international policy makers the opportunity to understand the complex and rapidly changing environment of international prostitution, and how they can respond most effectively in meeting the health and social care needs of female and transgender migrant sex workers.



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