

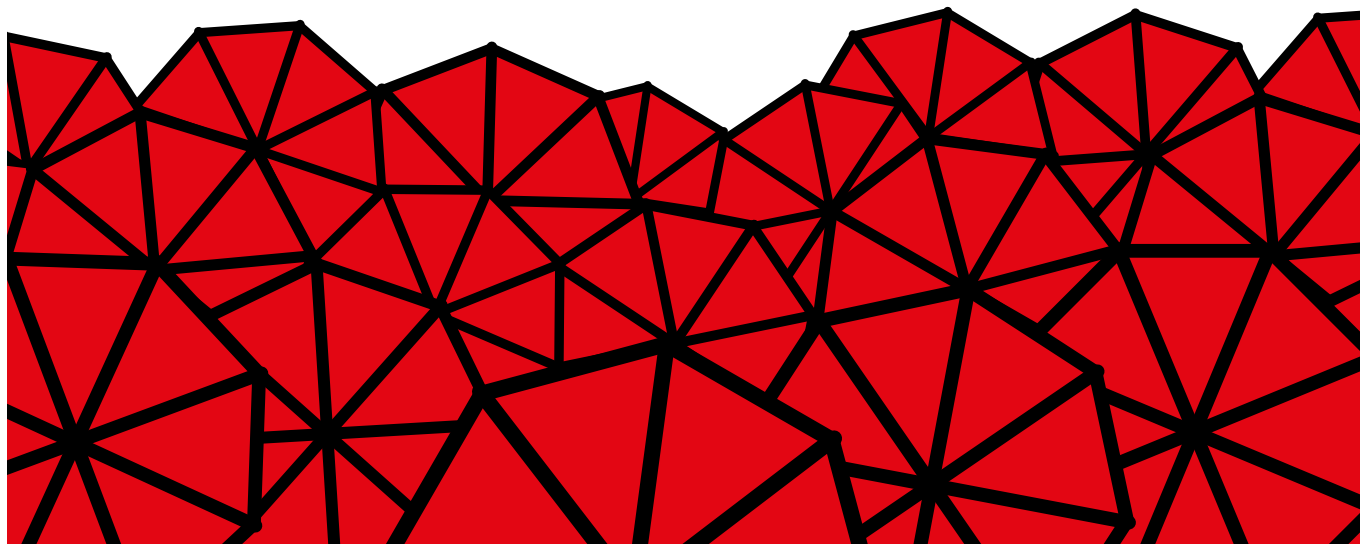


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Global Network of Sex Work Projects
Promoting Health and Human Rights

POLICY BRIEF

COVID-19 and Sex Workers/ Sex Worker-led Organisations



COVID-19 and Sex Workers / Sex Worker-led Organisations

Introduction

As a criminalised population, sex workers have been disproportionately impacted by the COVID-19 pandemic, often living in precarious economic situations and excluded from social protection systems. The structural, social, and economic barriers sex workers experienced before the pandemic have been exacerbated – sex workers all over the world have experienced hardship, a total loss of income and

The negative impact of COVID-19 on livelihoods was closely followed by emerging evidence of the increasingly negative impact on inequalities, long-term HIV and other health outcomes.

increased criminalisation and harassment.

The negative impact of COVID-19 on livelihoods was closely followed by emerging evidence of the increasingly negative impact on inequalities, long-term HIV and other health outcomes. This shone a light on the structural barriers to social protection for sex workers and how states failed to include or consult with sex workers in their COVID-19 responses.

The pandemic also resulted in increased stigma and discrimination, violence, health inequalities and human rights abuses against sex workers. UNAIDS drew attention to all these issues early in the pandemic¹ while calling on countries to take a range of immediate, critical actions grounded in human rights principles to protect the health and rights of sex workers.

This policy brief includes feedback directly from sex worker-led organisations and sex workers on their experiences of the COVID-19 pandemic, including its impact upon access to services, supplies of HIV treatment, and prevention commodities. It also highlights how the already extremely limited funding available for both advocacy and programming for sex workers continues to shrink. In countries where resources for HIV were already limited, the reallocation of resources to COVID-19 has drastically reduced sex workers' (and other key populations') access to vital prevention, testing and treatment services. This despite, in 2020, 65% of all new infections globally being among key populations and their sexual partners, with 11% of all new HIV infections being among sex workers, and female sex workers 26 times more likely to acquire HIV than women in the remaining general population, and UNAIDS reported a 29% shortfall in the financial resources required for the HIV epidemic in low- and middle-income countries in 2020.² This brief documents how sex worker-led organisations supported sex workers where states failed to provide adequate assistance in their social protection mechanisms and emergency responses. Finally, this paper examines the threats to sex workers and sex worker-led organisations as the world emerges from the pandemic, looks at how we can mitigate the harms and prepare sex worker-led organisations for future crises, and asks what lessons can be learned that might strengthen advocacy for sex workers' rights going forward.

¹ "Sex workers must not be left behind in the response to COVID-19," UNAIDS.

² UNAIDS, 2021, "2021 UNAIDS Global AIDS Update — Confronting inequalities — Lessons for pandemic responses from 40 years of AIDS."

Methodology

NSWP launched an Impact Survey³ for sex workers and sex worker-led organisations early in the pandemic, to monitor the impact of COVID-19 on their communities. The survey responses document the experiences of sex workers and how sex worker-led organisations and governments responded to support the sex worker communities through the crisis. The survey also asked whether any repressive measures had been taken against sex workers, or if any positive measures had been taken to support sex workers during the pandemic.

In addition to the survey, key informant interviews were conducted to gain a better insight into the impacts of the pandemic on sex worker-led organisations in each region.

State responses and the impact on sex workers

Sex workers have faced significant disadvantages and increased challenges since the start of the pandemic that more clearly than ever show the harmful impact of the criminalisation and stigmatisation of sex work and sex workers. Sex workers, whenever and wherever possible,

responded to calls to socially distance, to protect their health and the health of others, and to stop working. Yet they were left unprotected and excluded from national social protection schemes and government emergency measures being put in place for other workers. Sex workers in all regions reported being forced to take the risk of continuing to work regardless of the pandemic, in order to provide for themselves and their families – putting their safety, their health and their lives at

risk to survive. The pandemic particularly acutely impacted women sex workers working to provide for their families, as they were left without any alternative means to support them. Often governments responded with increased police surveillance and violence against sex workers. Governments' focus on emergency pandemic responses also often resulted in reduced access to HIV treatment, sexual and reproductive health, and other essential health services. Sex workers also reported an increase in stigma and discrimination against them.

Repressive state responses

In response to the spread of COVID-19, governments around the world have imposed public health measures, social distancing orders and restrictions preventing many people, including sex workers, from working. In many countries, governments resorted to arrests, detention and the use of excessive force to make sure that people obeyed 'stay-at-home' and curfew orders.⁴ This has added an additional layer of criminalisation for sex workers, who were already criminalised in most countries before the pandemic. Sex workers caught working faced being prosecuted for breaking curfew and/or lockdown regulations, as well as any existing laws on sex work.

...they were left unprotected and excluded from national social protection schemes and government emergency measures being put in place for other workers.

³ "COVID-19 Impact Survey," NSWP.

⁴ Amnesty International, 2020, "Americas: Authorities must protect people from COVID-19 instead of resorting to repressive measures."

...as governments closed brothels, bars, and massage parlours, they also failed to provide sufficient support to sex workers. Some have also introduced additional repressive measures aimed directly at sex workers.

Responses to the COVID-19 Impact Survey in all regions reveal that in many countries, as governments closed brothels, bars, and massage parlours, they also failed to provide sufficient support to sex workers. Some have also introduced additional repressive measures aimed

directly at sex workers. One of the first actions taken by the government in Bangladesh was to shut down brothels all over the country. As a result, an estimated 140,000 female sex workers lost their incomes and could not finance their basic needs, including food. It was widely reported that the government of Bangladesh started sending emergency aid to women working in some of the country's brothels, including providing individuals with 30kg of rice, \$25 and a rent freeze. However, adequate support from the government to mitigate the consequences of brothel closures did not reach everyone who needed assistance,

and those outside of the brothel system did not necessarily benefit from government aid at all. As HIV/AIDS Research and Welfare Centre (HARC) points out, this aid has not reached all those in need or, when it has, it is insufficient. HARC reported that, "Hotel and residence-based sex workers mentioned that they are at the greatest crisis of their lives with no one to assist them. Since they don't match the criteria of being a poor family, the government also do not help them at this time of need. On the other hand, some street-based sex workers received relief from government but that is not enough for them."⁵

Countries including Colombia, Ecuador, the Dominican Republic, and El Salvador also reported that closure of brothels, bars, massage parlours was accompanied by crackdowns in areas known for street-based sex work.⁶ These repressive measures and the failure of governments to provide any financial relief for sex workers have left them with nowhere safe to work and/or no way of earning money to survive.

"In the situation of the closing of all the venues where they work, and on the street, they are victims of the violation of their rights because they don't allow them to work and they threaten to send us to jail if we don't listen. How are we going to eat if the government hasn't done anything for the group of female sex workers to allow them to access a decent life for our family?"

FEMALE SEX WORKER, ECUADOR

In the Dominican Republic, TRANSSA, which provides assistance to transgender people, reported that many street-based trans-women sex workers had lost their sources of income and were dependent on charities for food and protective equipment against infection.⁷

In the Eastern European region as well, closures of sex work venues and restrictions on mobility have put sex workers in more precarious situations.

"Venues where sex work was done legally are closed (erotic massage, clubs). Moreover, there are restrictions on mobility of all citizens, and one is allowed to go out of their home only with a signed declaration and have a "real" and "urgent" reason. This has led to police and army actually harassing all citizens, and sex workers are facing now doubly this violence, on top of the fact that they were already harassed by police before."

FEMALE SEX WORKER, ROMANIA

5 "COVID-19 Impact – Bangladesh," NSWP.

6 NSWP, 2020, "COVID-19 Impact – Latin America."

7 "COVID-19 pandemic devastating to transgender sex workers in the Dominican Republic," NSWP.

Exclusion from social protection schemes and government relief funds

While many governments implemented emergency relief funds for people unable to work due to pandemic measures, these schemes have largely excluded sex workers. Member organisations repeatedly emphasised that sex work not being recognised as work was the main barrier to more security and protection for sex workers. As the English Collective of Prostitutes highlighted, “Being criminalised, sex workers are denied status as workers so we are denied the rights and entitlements other workers may have.”⁸ Criminalisation of sex work means that many sex workers cannot access government support, as these schemes generally require proof of loss of income, unemployment or hardship.⁹

...“Being criminalised, sex workers are denied status as workers so we are denied the rights and entitlements other workers may have.”

Sex Workers Outreach Project (SWOP) in Tuscon, USA, reported, “sex workers can’t get rent/mortgage relief, utility payment abatements or unemployment checks.” Even in US States or countries where sex work is legalised, only registered sex workers (registered with a tax number and with official residency) are eligible for government aid. This means that many migrant sex workers without a legal tax or residency status are excluded from emergency support schemes. Some national schemes also specifically excluded sex workers working in legal jobs.

“The Federal relief bill passed to aid Americans during this emergency have been restricted from being given to anyone working in the sex industry, even if they are legal jobs such as strippers or sex toy manufacturers.”

SEX WORKER, UNITED STATES

In Canada, although government relief grants were available to those unable to work, sex workers were wary of applying for these grants due to the risk of having to come out to government officials as sex workers.

“Here in Canada the government gave relief money called the CERB. But most sex workers didn’t want to apply for the CERB because to apply for it you have to give your social insurance number and you have to provide evidence of paying taxes and it gets into the personal details of sex workers and a lot of sex workers didn’t want to do that because it wasn’t safe to interact with the state that way. So they were left out of the \$2000 that were being given out every month.”

STELLA, L’AMIE DE MAIMIE, CANADA

The pandemic has highlighted the shortcomings of restrictive regulatory approaches to sex work. When sex workers are denied financial aid during the pandemic, they are forced to continue working illegally to survive. As a result, sex work is driven more underground, with higher risks to health and safety.¹⁰

8 “Impact of COVID-19 on Sex Workers in Europe,” NSWP.

9 “Impact of COVID-19 on Sex Workers in North America and the Caribbean,” NSWP.

10 Jenny Iversen, et al., “COVID-19, HIV and key populations: cross-cutting issues and the need for population-specific responses,” *Journal of the International AIDS Society* 23 (2020): 1-6.

Increased vulnerability and precarious working conditions

The pandemic has prevented sex workers from working normally, yet those who depend on sex work as a livelihood have had to continue to work, forced to choose between prioritising their health and not being able to buy food or pay rent.

“In Ecuador, sex worker rights activists started a #stayathome campaign, but this only lasted fifteen days because they couldn’t insist that sex workers stay at home and not work any longer because the economic impact of the pandemic was too severe. Many sex workers were still on the street and thinking ‘what do we do?’ The economic necessity was bigger than the fear of COVID.”

COLECTIVO FLOR DE AZÁLEA, ECUADOR

In Ecuador, sex workers reported that mafia and gangs have taken advantage of sex workers’ vulnerability during the pandemic by taking over sex work sectors and controlling and exploiting sex workers.

Before the pandemic, studies have shown that in places where sex workers are criminalised, the involvement of exploitative third parties in the sex industry rises, including the rates of violence and trafficking.¹¹ PLAPERTS, the regional network of sex workers in Latin America, reported on the early days of the pandemic: “It’s been two months since the pandemic hit Latin America and a lot of sex workers are now starting to work again. But the conditions that they work in are even worse than before. They are more vulnerable, and their rights are not respected. COVID may not kill us, but hunger and desperation will kill sex workers.”¹²

The Global Alliance Against Traffic in Women documented how some parts of the anti-trafficking movement have taken the pandemic as an opportunity to advance punitive anti-trafficking policies that will only isolate and drive sex workers further underground.¹³

Increased police surveillance and violence against sex workers

In many countries, law enforcement has disproportionately targeted sex workers who are forced to breach pandemic restrictions in order to work. UNAIDS reported that “Sex workers have been particularly vulnerable to arrest and mistreatment under COVID-19. With their income at risk or entirely eliminated, and often ineligible for financial support due to the legal status of their work, many sex workers report having to choose between physical distancing and meeting basic needs, with many sex workers arrested globally.”¹⁴

“...the conditions that they work in are even worse than before. They are more vulnerable, and their rights are not respected. COVID may not kill us, but hunger and desperation will kill sex workers.”

11 NSWP, 2017, “The Impact of Criminalisation on Sex Workers’ Vulnerability to HIV and Violence.”

12 “Impact of COVID-19 on Sex Workers in Latin America,” NSWP.

13 “A Feast in Time of COVID-19: The anti-trafficking movement needs to take a step back,” Global Alliance Against Traffic in Women.

14 UNAIDS, 2020, “Rights in a pandemic – Lockdowns, rights and lessons from HIV in the early response to COVID-19,” 22.

...police have disproportionately targeted sex workers when enforcing pandemic regulations and justifying their measures by calling sex workers “contagion bombs” and “threats to public health.”

In Norway, NSWP member organisation PION reported that police have disproportionately targeted sex workers when enforcing pandemic regulations and justifying their measures by calling sex workers

“contagion bombs” and “threats to public health.”¹⁵ According to PION, “The immigration police are chasing sex workers in the streets and raiding sex workers’ apartments claiming sex workers are breaking quarantine and infection rules. The police use the National Act relating to the control of communicable diseases as a pretext for harassment and deportation of sex workers.”

In the African region, sex workers have also faced stigmatising accusations of being more likely to spread the virus, resulting in increased

policing. In Uganda, police have been raiding sex workers’ homes more often than previously, including with the use of tear gas and excessive force. Sex workers in border towns in Kenya and Uganda also reported facing increased stigma and violence from the police as well as the community.¹⁶ Government responses to the pandemic have failed to respect the human rights of sex workers.

“There has been a lot of illegal displacement of sex workers to other countries without their consent. There have also been closing of brothels where sex workers live. We’ve also seen cases where the children of women sex workers have been taken away by the government. There have been a lot of human rights violations against sex workers.”

AFRICAN SEX WORKERS ALLIANCE (ASWA), REGIONAL NETWORK: AFRICA

UNAIDS documented policing specifically against sex workers, particularly in the African and Latin American regions. “In Cameroon, more than 50 sex workers were reportedly arrested in Yaoundé for entering hotels in violation of isolation orders. In Kenya, more than 50 sex workers were reportedly arrested for violating lockdown orders, including 24 reportedly arrested in one raid in Makueni county. In Uganda, civil society organizations reported that at least 117 sex workers, bartenders and other vulnerable women have been arrested for violating lockdown, including 71 within a single day of raids...”¹⁷

Impact on HIV and STI services

The pandemic has severely disrupted health services in many countries, with people’s movement being restricted, and health services being limited or halted completely for significant periods. The Global Fund reported a 41% drop in HIV testing in Africa and Asia from April to September 2020, compared to the same period in 2019, which is predicted to result in an increase in AIDS-related deaths in 2021.¹⁸ Modelling by UNAIDS and the World Health Organization (WHO) showed that the risk of additional COVID-19 deaths was at least 100 times less than the AIDS-related deaths averted by continuing to provide HIV services. However, “disruption to HIV services as high as 75% has been reported in some countries.”¹⁹

15 “Arrests and deportations of sex workers in Norway,” NSWP.

16 Amnesty International, 2020, “COVID-19 Crackdowns: Police abuse and the global pandemic.”

17 UNAIDS, 2020, “Rights in a pandemic – Lockdowns, rights and lessons from HIV in the early response to COVID-19,” 23.

18 The Global Fund to Fight AIDS, Tuberculosis and Malaria, 2021, “The Impact Of Covid-19 On HIV, TB And Malaria Services and Systems for Health: A Snapshot from 502 Health Facilities Across Africa And Asia.”

19 UNAIDS, 2021, “Benefits of continuing to provide life-saving HIV services outweigh the risk of COVID-19 transmission by 100 to 1.”

A report²⁰ reviewing progress towards Universal Health Coverage confirmed the COVID-19 pandemic has exposed weaknesses in health systems, showing that many governments neglected to invest in health, social safety nets and emergency preparedness before the crisis, and even countries with strong health systems could have been better prepared for this emergency.

Survey responses from Australia, China, Bangladesh, Hong Kong, Vietnam and Thailand reported that sex workers' access to healthcare had been severely affected, particularly access to harm reduction services, HIV and STI testing and treatment. HARC in Bangladesh reported that there was reduced access to essential health services and commodities such as condoms and lubricants, harm reduction services, and STI testing and treatment.²¹ In Senegal, And Soppeku reported that sex workers have faced reduced access to HIV treatments, STI screening and treatment and basic food and hygiene supplies.²²

"The government has set up an arrangement for the distribution of food and hygiene donations, but these are very minimal and there are not enough." And Soppeku responded by distributing supplies of food and hygiene kits to three regions in Senegal.

Increase in stigma and discrimination

UNAIDS has drawn attention to the rise of stigma and discrimination against key populations that accompanied the fear and uncertainty emerging during the pandemic. "Populations facing pre-existing stigma and discrimination (e.g. people living with HIV, people from gender and sexual minorities, sex workers, migrants) have been subject to verbal and physical abuse."²³ Sex workers have been increasingly viewed as 'vectors of disease' who present a risk to public health.

PLAPERTS members in Latin America reported that through their outreach work to support sex workers, they not only exposed themselves to increased health risks, but also to increased stigma and discrimination.

COVID-19 has been used as a reason to push for further restrictions of sex work and increased criminalisation of sex workers.²⁴ In a study conducted by researchers from Yale School of Medicine and Harvard Medical School, one of the conclusions drawn was to keep red-light areas in five major cities in India shut even after the lockdown. However, there is no reason that brothels should remain closed due to public health risks, as the National Network of Sex Workers argued, "sex workers are far better educated about precautions and safety measure to follow during COVID-19 due to the extensive work done by our collectives."²⁵ In addition, the study has been heavily criticised by sex worker-led organisations in India, who have pointed out that it did not consider how the 10,000 out of work sex workers would support themselves if their primary source of livelihood were to be suddenly taken away. Studies such as these provide a clear example of how sex workers are being scapegoated and threatened with criminalisation in the name of public health.

"Populations facing pre-existing stigma and discrimination (...) have been subject to verbal and physical abuse."

20 UHC2030, 2020, "State of commitment to universal health coverage: synthesis, 2020."

21 "COVID-19 Impact – Bangladesh," NSWP.

22 "COVID-19 Impact – Senegal," NSWP.

23 UNAIDS, 2020, "Addressing stigma and discrimination in the COVID-19 response — Applying the evidence of what works from HIV-related stigma and discrimination in six settings to the COVID-19 response."

24 Eliot Douglas, "German lawmakers call for buying sex to be made permanently illegal," DW, 20.05.2020.

25 Jagriti Chandra, "Yale to probe controversial study on sex workers," The Hindu, 9 July 2020.

Responses from sex worker-led organisations

While governments have resorted to restrictions and punitive approaches towards sex work without providing sex workers with access to social protection, sex worker-led organisations have stepped up to support their community, filling the gaps in providing emergency support for sex workers where governments have failed to do so. Over 100 NGOs in Europe endorsed a letter sent to the President of the European Commission and members of the Crisis Coordination Committee calling for emergency support for sex workers during COVID-19, stating that, “ignoring the most marginalised communities could prove not only short-sighted but detrimental to EU efforts to end the pandemic.”²⁶

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Emergency funds, housing support and health services for sex workers

Sex worker-led organisations around the world have supported sex workers in a variety of ways. The following are just a few examples of the sex worker community responses.²⁷

French sex workers reported that organisations such as ACCEPTESS-Transgenres and Syndicat du travail sexual en France filled the gaps in social protection that governments had neglected from the start of the crisis. UK sex workers reported that they had been excluded from government relief as well: “The sex worker community has stepped in where the government has failed. We have established the hardship funds that work for us, set up support that works for us, lobbied for change and equal access and the rights of all in our community.” STAR-STAR in Macedonia launched a charity campaign to raise money for sex workers most affected by poverty and provide emergency food and hygiene supplies.

The European Sex Workers Rights Alliance (ESWA, formerly ICRSE) organised several webinars for sex workers’ rights activists to gain knowledge on providing emergency support, crowdfunding and political advocacy during the crisis.²⁸ ESWA also took the opportunity to strengthen and build new connections with organisations to prioritise sex workers’ rights during and beyond the pandemic. In an initiative called Nobody Left Outside, ESWA collaborated with organisations representing the most marginalised communities in Europe to campaign for improving healthcare access to homeless people, LGBTI people, people who use drugs, prisoners, sex workers and undocumented migrants. Together, they published an open letter to the European Union demanding access to vaccinations for marginalised social groups.²⁹

“In some ways it has allowed us to have other conversations with other actors, such as the European Public Health Alliance, Nobody Left Outside (of which we are partners), the WHO, with whom we have had discussions about mental health, which didn’t really happen in the past. Also the European Centre for Disease Control has been more inclusive of sex workers.”

ESWA (REGIONAL NETWORK: EUROPE AND CENTRAL ASIA)

26 Rebecca Kelly, “Over 100 NGOs endorse a statement calling for emergency support to sex workers amid the COVID-19 crisis,” Gay Community News, 28 April 2020.

27 “Sex Worker Community Responses,” NSWP.

28 ESWA, 2021, “Sex workers on the frontline: The role of sex worker rights groups in providing support during the COVID-19 crisis in Europe.”

29 “NLO publishes open letter on vaccine equity,” Nobody Left Outside.

Sex Work Polska started an emergency fund for sex workers through crowdfunding. “We presented our initiative not as a form of relief or allowance, but as an expression of community care. Knowing how the pandemic hit our community, and that we couldn’t count on systemic help, we wanted sex workers to feel that they are not left on their own.”³⁰ Sex Work Polska emphasised that sex workers have always been made invisible in their participation in social life as a result of stigma and lack of recognition of their work as work, but at the same time, through police surveillance and control, they are publicly exposed through the criminal justice system.

In Argentina, AMMAR Cordoba created a fundraising campaign called “Sex Workers’ Lives Also Matter” to collect food and economic support for sex workers.

In Latin America, Brigada Callejera in Mexico created graphics to show sex workers how to work safely during the pandemic and supported sex workers who had lost their homes.³¹ In Argentina, AMMAR Cordoba created a fundraising campaign called “Sex Workers’ Lives Also Matter” to collect food and economic support for sex workers. Many street-based sex workers were now out of work and lack the resources for moving to online work. The money

collected supported more than 300 sex workers’ families all over the country as well as fifteen grassroots organisations.³²

“I have never worked in brothels. I’ve always preferred working on the street, mainly because there we are in a community and we have basic codes of mutual care and respect...I’ve lost all contact with my clients. I know some sex workers who have started doing online sex work, but I have no internet on my phone. I call some clients but I have no way of getting payments, as I don’t have a bank account. So it’s impossible for me to have virtual sex and to charge for it.”

FEMALE SEX WORKER, ARGENTINA

In the USA and Canada, many COVID-19 emergency and mutual aid funds at national and regional levels were set up by sex worker-led organisations. For example, in Canada, the PACE Society Sex Worker Relief Fund distributed over \$150,000 in emergency financial relief to sex workers throughout the metropolitan Vancouver area in just 9 months.³³ In the USA, by August 2021, COYOTE RI had processed over 330 applications and provided over \$72,000 in mini-grant and gift cards to sex workers. COYOTE RI, like many other organisations, also developed a resource guide for sex workers, updating it regularly.³⁴

In the African region, sex worker-led organisations have been supporting sex workers by distributing PREP and ARVs directly to sex workers in their homes, along with food and hygiene packages. ASWA reported that in South Africa, Rwanda, DRC, Benin and Kenya, groups have been working to sensitise their communities and brothel owners about COVID-19 hygiene and safety guidelines to reduce the risk of infections. Suggestions by respondents to the COVID-19 Impact Survey for urgent support included transportation to health facilities, more food packages and provision of resources enabling sex workers to be in touch with organisations that supported them with health and psychological issues.

30 Agata Dziuban et al., “‘Very little but a lot.’ Solidarity within the sex workers’ community in Poland during the COVID-19 pandemic,” *Gender, Work and Organization* (2021): 1-12.

31 Frontline Defenders, 2020, “LGBTIQ+ and Sex Worker Rights: Defenders at Risk during COVID-19.”

32 “The sex work network we have been building is saving us during COVID-19,” Open Democracy.

33 “Sex Worker Relief Fund,” PACE Society.

34 “COVID-19 Sex Worker Harm Reduction Resource Guide,” COYOTE RI.

In the Asia Pacific region, Project X in Singapore emergency fund provided “funds up to \$800 given out to individuals that are unable to pay rent, unable to afford medical assistance, and unable to afford nutritious meal and/or regular meals for them and their dependants.” In India, Veshya Anyay Mukti Parishad (VAMP) reported that the first deaths they recorded during the pandemic were not due to COVID-19, but rather due to poverty and hunger among sex workers who did not receive government relief. Sex Workers and Allies South Asia and VAMP have been working hard to feed sex worker communities as a vital part of their response to the pandemic.³⁵ Durbar Mahila Samanwaya Committee also provided sex workers in the Sonagachi red light district in Kolkata with as much food as possible and the Usha Multipurpose Cooperative Society, a dedicated sex worker-led bank, remained open during lockdown, enabling sex workers to access their savings to support their families.³⁶

Reduced or inflexible funding for sex worker-led organisations

The already extremely limited funding available for both advocacy and programmes for sex workers continues to shrink, with many donors changing their priorities to focus on funding for COVID-19 responses rather than HIV programming. This has impacted sex workers’ access to health services. Meanwhile, UNAIDS reported that 11% of all HIV infections in 2020 were among sex workers. In a single year, of an estimated 975,000 new HIV infections among key populations and their sexual partners (almost double the global target for all new infections), 165,000 new HIV infections were among sex workers.³⁷

Member organisations in the Sex Worker Rights Advocacy Network for Central and Eastern Europe and Central Asia (SWAN) and the Asia Pacific Network of Sex Workers (APNSW) reported donor inflexibility when it

came to re-allocating budgets to better support sex worker communities at the height of the pandemic. In Myanmar, Aye Myanmar Association (AMA) reported that, “Some donors would not allow existing grants to be reallocated for COVID-relief activities. Even where donors ultimately did allow for such reallocation, it took time to get the necessary approvals, and meanwhile sex workers’ needs grew dire.” Sex worker-led organisations in Asia Pacific pointed out that there always seemed

to be funding for assessments and research, but somehow never enough to support the community. “During COVID I saw a lot of assessment and so-called research and data collection...there is funding for this, funding for technical people. But not for the community.”³⁸

Similarly, members in Eastern Europe and Central Asia reported that donor cuts directly impacted the internal capacities of their organisations.

“We’ve seen some organisations lose staff members. In Kazakhstan, one donor pulled out and stopped the funding, for example. They were left with fewer staff members, but were still continuously asked from all stakeholders and all donors to participate here, to participate there, to provide input. But people were really struggling to maintain their organisations.”

SWAN (REGIONAL NETWORK: CENTRAL AND EASTERN EUROPE AND CENTRAL ASIA)

“During COVID I saw a lot of assessment and so-called research and data collection...there is funding for this, funding for technical people. But not for the community.”

35 Tian Johnson, “Sex workers, former inmates and people who use drugs help to feed the world during the pandemic,” Mail&Guardian Thought Leader, 19 August 2021.

36 Prema Rajaram, “Kolkata: Sex workers of Sonagachi battle pandemic with hope of rebuilding their lives,” India Today, 19 August 2021.

37 UNAIDS, 2021, “2021 UNAIDS Global AIDS Update – Confronting Inequalities – Lessons for pandemic responses from 40 years of AIDS.”

38 APNSW, 2021, “Sex workers’ lived experiences during COVID-19 and community-led pandemic responses.”

Attention from media and researchers

Sex workers and sex worker-led organisations have been receiving more media and research attention since the start of the pandemic. The effects of the pandemic on sex worker communities continues to provide rich material for journalists and academic researchers. While it is appreciated that researchers and people from the media seek to expose different perspectives and give voice to historically silenced and excluded groups, especially during this health and economic crisis, the importance of being sensitive to the realities and needs of individuals during the pandemic must also be recognised.

APNSW noted the lack of meaningful contribution from journalists and researchers seeking to study and report on the situation of sex workers during the pandemic.

“Yes, there has been a lot of media attention. So after they do research or after they do their media interviews and ask what happened to sex workers, what do these people do? They just release their news and they just do their research paper. Some of them that are NGOs that have the money and have the funding have made leaflets for COVID prevention on which they mention not to touch with the body, not to touch this and that, but sex work is body work, so these leaflets are not a big help.”

APNSW (REGIONAL NETWORK: ASIA PACIFIC)

Post-pandemic Challenges and Solutions

The pandemic has clearly shown how excluding sex workers from social protection and denying them their fundamental human rights only pushes them further into precarious working arrangements. The harms of criminalisation have been brought into sharp focus. Lessons must be learned to ensure we can mitigate such harms for sex workers in any future crises, and to strengthen advocacy for the protection of their human rights in the future. As the world emerges from the pandemic, it is critical for governments to understand that a rights-based approach to sex work is the most effective way to ensure that sex workers are not left behind.

...it is critical for governments to understand that a rights-based approach to sex work is the most effective way to ensure that sex workers are not left behind.

Mitigating the harms to sex workers

The harms sex workers experienced during the pandemic must be addressed at a political and legislative level by governments recognising the human and labour rights of sex workers and recognising sex work as work. This would open the door for including sex workers into national social protection mechanisms that are available to other workers.

There is much that can be learned from decades of responding to the HIV epidemic, including in combatting criminalisation, violence, stigma and discrimination. Winnie Byanyima, Executive Director of UNAIDS has stated:

“Human rights law mandates that human rights are inalienable, universal, interdependent and indivisible. Ensuring that this is a reality for all—especially the most vulnerable among us—is essential during this pandemic, but will also build the resilient communities we need to emerge from it.”³⁹

³⁹ “COVID-19 responses must uphold and protect the human rights of sex workers,” UNAIDS.

Lessons learned and opportunities for advancing sex workers' rights

Sex worker-led organisations reported that during the pandemic, solidarity and cooperation within the sex worker community were strengthened. The COVID-19 crisis also presented an opportunity for organisations to re-emphasise the importance of both physical and mental health.

“Part of the advocacy work that we did was to show that health is not only about the health of the body, but also about mental health. Sex workers needed to feel ok to be healthy and safe. This pandemic represented a backlash for sex workers’ rights and Colectivo Flor de Azalea had to refer back to many parts of the constitution of Ecuador to the Ministry of Health to show that sex workers were citizens deserving of rights just like all other people. But as a result, the community became stronger than before and more united during the pandemic.”

PLAPERTS (REGIONAL NETWORK: LATIN AMERICA)

Sex worker-led organisations have demonstrated their ability to respond quickly and innovatively to support and meet the most urgent needs of sex workers at a local level during the pandemic; they are trusted by the community to provide information, advice and resources, particularly where sex work is criminalised. However, increased funding for sex worker-led organisations is essential if they are to fulfil their potential in meeting the diverse needs of the sex worker communities and realising the human rights of sex workers.

Sex workers continue to emphasise the importance of decriminalisation in realising labour rights, safe working conditions and social protection. The case for decriminalisation has become stronger than ever.

“Sex work needs to be decriminalized so sex workers’ eligibility for government supports is ensured, this would also allow sex workers to more effectively organize safe covid protocols for meeting clients and work together to increase safety and knowledge sharing.”

FEMALE SEX WORKER, CANADA

The European Research Council funded the SEXHUM project to examine migration and sex work between 2016 and 2020, comparing four countries (Australia, New Zealand, France and the United States)

The decriminalisation model in New Zealand, for example, crucially provided many sex workers with the same safety net available to other workers.

with varying legislative approaches to sex work. The research, overlapping as it did with the emergence of COVID-19, showed that in regions where sex work is decriminalised and considered work, sex workers who are nationals or permanent visa holders had been able to receive financial relief during the pandemic, thus demonstrating that decriminalisation makes a real and positive difference for sex workers’ access to rights.⁴⁰ The decriminalisation model

in New Zealand, for example, crucially provided many sex workers with the same safety net available to other workers.⁴¹

However, many migrant sex workers who are undocumented or on temporary visas continue to be excluded from the benefits of decriminalisation, highlighting again that decriminalisation must include all sex workers so that no-one is left behind.

⁴⁰ “COVID-19,” SEXHUM.

⁴¹ Anna Louie Sussman, “Don’t have to fight for pennies: New Zealand safety net helps sex workers in lockdown,” The Guardian, 28 April 2020.

Recommendations

As the world emerges from the pandemic, there are crucial steps that must be taken to mitigate the harms experienced by sex workers during the pandemic and to ensure that sex workers are not forced into greater insecurity in future crises. We summarise these as recommendations based on important lessons learned throughout the pandemic.

- Sex work must be recognised as work to ensure that sex workers can access the same social protections, emergency financial support, and labour rights as all other workers.
- Governments, policymakers and advocates must actively pursue the full decriminalisation of sex work, including sex workers, clients and third parties.
- Social protection and emergency financial support should be extended to all groups of people, regardless of employment or immigration status.
- Sexual and reproductive health and HIV services must not be disrupted during crises. Furthermore, HIV and STI prevention, testing and treatment services for key populations including sex workers, who represented 65% of all new infections globally in 2020, and 93% of infections outside of sub-Saharan Africa, must be more sustainably funded.
- A firewall must be implemented between health services and immigration authorities to ensure that migrant sex workers can access health services.
- Donors must be more flexible in shifting priorities for the use of funds to respond to health emergencies and must prioritise increased funding for community-led responses.
- Criminal law should not be used to enforce COVID-19-related or other public health restrictions. Arrests and prosecutions for sex work-related activity must be stopped, to ensure those most in need can be reached and can access services and support.
- Public health emergencies must not be used as cover for the introduction of punitive and repressive measures against sex workers.
- There must be an end to the scapegoating of sex workers as ‘vectors of disease’ or as presenting risk to public health. This increases stigma, discrimination, and violence against sex workers.
- Raids on sex workers’ homes and sex work premises must be stopped and all measures to protect public health must be proportionate. Emergency housing options for sex workers should be increased and a moratorium on evictions put in place to prevent homelessness.
- Sex workers have found themselves in vulnerable situations due to lack of income, so their time and expertise utilised for interviews with the media and researchers should be compensated.
- Sex worker communities must be directly involved in responses to COVID-19, including the meaningful involvement of sex worker-led organisations in emergency public health planning initiatives.

Conclusion

The pandemic has exposed and continues to highlight existing inequities and inequalities, and disproportionately affects people who are criminalised, marginalised and excluded from social protection mechanisms. For many years now sex workers' rights advocates have highlighted the harms caused by criminalisation – the pandemic has only served to reveal these harms more clearly than ever. This policy brief has amplified the voices of sex workers and sex worker-led

organisations, showcasing their responses to the pandemic. It has demonstrated the urgent need for states to take steps to include sex workers in social protection systems, labour laws and health policies, so that in the post-pandemic world, they will not be left behind as they have been in the COVID-19 crisis.

For many years now sex workers' rights advocates have highlighted the harms caused by criminalisation – the pandemic has only served to reveal these harms more clearly than ever.

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Policy briefs are the result of desk research and a global e-consultation with NSWP member organisations, including gathering in-depth information from some members.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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