

# Sex Work & Racism

**Community Report #2:**  
The Impact of Structural Racism on  
Racialised Sex Workers in Europe  
and Central Asia



# About ESWA

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European Sex Workers' Rights Alliance (**ESWA**) is a sex worker-led network proudly representing more than 100 organisations in 30 countries across Europe and Central Asia. Our aim is to ensure that all sex worker voices are heard and that their human, health and labour rights are recognised and protected. With our actions and approach inspired by our membership community, we work to build a strong, vibrant and sustainable network that mobilises national, regional and international advocacy activity that moves us towards long-term, systemic change.

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# Introduction

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This briefing paper is the second publication of the European Sex Workers' Rights Alliance's (ESWA) series on sex work and racism. It follows the paper entitled 'Sex Work and Racism: Historical Overview of Racism in Anti-Sex Work, Anti-Trafficking and Anti-Immigration (ASWTI) Legislation in Europe' (ESWA, 2022), which explained the development of anti-sex work, anti-trafficking, and anti-immigration legislation and policy and the history of sexual racialisation under the white European systems of chattel slavery, colonialism, and militarised sex work. As was explored in the paper, the legacy of these systems is structural racism, which is defined as "a product of a system in which public policies, institutional practices, cultural representations, and other norms work in various ways to perpetuate racial inequity, and has been a feature of the social, economic, and political systems in which we all exist." (European Network Against Racism (ENAR, n.d.).

Structural racism results in discrimination against racialised sex workers that hinders equal opportunities and treatment in various aspects of their work and everyday lives. Racialised<sup>1</sup> sex workers who are LGBTQ, (undocumented) migrants, poor, and/or work on the street have to deal with multiple oppressive forces and systems, such as homophobia, transphobia, xenophobia, classism, sexism, ableism, and others, which intersect with racism (ENAR, 2020).

This briefing paper aims to explore the impact of structural racism among racialised sex workers in Europe and Central Asia. To do so, ESWA first reviewed the existing literature in the field of structural racism in Europe and Central Asia, also in relation to sex work. Since data disaggregated by race and ethnicity is lacking in many European and Central Asian countries, ESWA also investigated the literature on sex work and migration, as the groups of racialised sex workers and (undocumented) migrant and refugee sex workers frequently overlap in this context. Following this, ESWA conducted research using an online e-consultation open to all ESWA members, followed by a racialised sex worker focus group to explore the topic more in-depth.

The briefing paper is structured as follows: the first section details the prevalence and impact of structural racism in the areas of housing, health, labour, law enforcement, and accessing justice. The following section highlights how racialised sex workers resist this racism, and the final section presents conclusions and recommendations to address the issue of structural racism at European, national, and individual levels.

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1. Racialised people are individuals and groups who have been attributed with a particular race through the political process of racialisation. Racialisation "maintains and gives meaning to concepts of race" (EQUINOX, 2021a, p. 5). It does so through various "systems, tools and social practices" that serve to categorise and marginalise those viewed as "other." Although everybody is racialised, the term "racialised" refers to those negatively racialised as "other" (EQUINOX, *ibid*).

# Impact of Structural Racism on Sex Workers

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## Intersectional Discrimination<sup>2</sup>

In order to understand the full extent of structural inequalities in laws and policies and society at large, we must use an intersectional approach in identifying discrimination against racialised people. Unlike multiple discrimination - in which cases of racism and sexism, for example - are treated separately, intersectional discrimination treats them as interwoven. This form of discrimination utilises the concept of intersectionality, which was first coined by Kimberlé Crenshaw to highlight how Black women experience discrimination based on class, race, gender, and sexuality (amongst others). Thus, this approach acknowledges when a person has been discriminated against on the basis of multiple axes of identity,

such as race, ethnicity, nationality, gender, class, age, ability, religion, and sexual orientation (ENAR, 2019). Intersectionality is crucial due to the pervasiveness of colour-evasiveness, colour-blindness, and post-racialism<sup>3</sup> in societies (ENAR, 2019, p. 7).

Racialised sex workers experience intersectional discrimination not only for their race, gender, and type of work, but class and migration status frequently play a role as well - alongside other factors such as disability and mental health. The following sections dive deeper into the discrimination racialised sex workers face in regards to housing, healthcare, labour, law enforcement, and seeking justice.

## HOUSING

As a racialised person, let alone one who does sex work, finding housing in Europe often proves challenging, as discrimination is common (European Monitoring Centre on Racism and Xenophobia (EUMC), 2005). Factors that hinder racialised sex workers from accessing adequate housing include: migrant

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2. To read more about intersectional discrimination in Europe, see ENAR (2019).

3. Colour-evasiveness occurs when race is viewed as irrelevant to laws and policies, and colour-blindness is the denial of the necessity of addressing structural inequalities in such laws and policies. Post-racialism refers to the ideology that society has transcended the concept of race and it is no longer relevant as a social category (ENAR, 2019).

status, the legal status of sex work, employment status, lack of recognised identity documents, with many migrant and racialised sex workers sharing unsafe, unstable or over-priced accommodation, including flats or hotel rooms (ESWA, 2016). Despite this, housing discrimination against racialised people in general has not stood out as a central policy concern in Europe. Although it is difficult to know the full extent of housing discrimination because several European censuses do not aggregate data by race, ethnicity, or religion, trends in complaint files show patterns of discrimination against Roma and North African people (Silver and Danielowski, 2019). Housing is especially precarious for racialised people seeking asylum, as European host countries, such as Cyprus, Italy, Spain, Greece, and Turkey, lack sufficient reception accommodations. Some countries have even reduced their reception accommodations, including Germany, Sweden, Hungary, Austria, Belgium, and Ireland. Private housing remains difficult to obtain even after refugee status has been officially recognised (Silver and Danielowski, *ibid*). Furthermore, homelessness appears to be on the rise throughout Europe (ESWA, 2016) and the cost of living crisis and inflation will undoubtedly exacerbate the situation even further (FEANTSA, 2022).

Due to the stigma of sex work, as well as racism and xenophobia, racialised sex workers experience a significant amount of discrimination from landlords, real estate companies, and state-run and NGO shelter providers. Laws and policies like the Swedish model that criminalise the selling of sexual services or third-party services, such as renting an apartment for the purpose of sex work, exacerbate the problem of finding adequate housing. In Ireland, two Romanian women, one of whom was pregnant, were convicted of brothel-keeping for sharing housing (Amnesty International, 2022).

## **Sex workers in Spain at risk of homelessness<sup>4</sup>**

An example of how racialised sex workers experience intersectional discrimination in housing due to sex work legislation can be seen in Spain. On October 17, 2021, current Spanish Prime Minister Pedro Sánchez expressed his desire to “abolish prostitution” (ESWA, 2021a). The government aims to do this through passing Article 187 bis of the draft organic law on integral guarantee of sexual freedom, which states:

*‘Anyone who, for profit and on a regular basis, uses a property, premises or establishment, open or not to the public, to encourage the exploitation of the prostitution of another person, even with his/her consent, will be punished with imprisonment, one to three years, and a fine of six to eighteen months without prejudice to the closure provided for in article 194 of this Code. The penalty shall be imposed in the upper half when prostitution*

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4. To read more about intersectional discrimination in Europe, see ENAR (2019).

*is committed as a result of an act of violence, intimidation, deception or abuse as described in Article 187 (1).'*

In criminalising third parties, this law puts racialised and migrant sex workers

at risk of discrimination from obtaining housing, as well as eviction if housing has already been acquired, since many share housing and work from home (ESWA, 2021a).

Migrant sex workers experience additional barriers to finding housing because of xenophobia, and the lower bargaining power that comes with being a migrant. For refugees, they find that many European countries have too few reception facilities or those facilities are already at full capacity. Even with a recognised asylum status, they still face obstacles to accessing housing. These obstacles include high rent prices, the reluctance of private landlords to rent to refugees, and administrative and legal restrictions (Asylum Information Database, 2019).

For undocumented sex workers, anti-immigration measures, lack of residence status, and the inability to work legally and formally to acquire financial resources seriously impede their ability to secure living accommodations. In most EU member states, “facilitating irregular entry and irregular stay is considered a criminal offence,” thus “lessors [landlords], real estate agents, and managers of emergency or temporary accommodation services are often required to check the residence status of migrants applying for housing” (ESWA, 2016, p. 17). Applicants without a valid residence permit will most likely be rejected and the individual might also be evicted (ibid.). An irregular migrant status also puts migrant sex workers at risk of exploitative housing situations, where landlords provide accommodation with poor conditions for exorbitant prices. The inability to secure formal housing also jeopardises undocumented migrant sex workers’ attempts to legalise their stay in the country, as they are generally required to show proof of a fixed address at any time while the application is being considered (ibid).

(Undocumented) migrant sex workers remain vulnerable to police intervention and violence if they live together and share housing and living costs, as this could be construed as brothel-keeping, trafficking, or the facilitation of irregular entry or stay, all of which can lead to police raids. In France, for example, where renting housing for the purpose of prostitution is considered pimping and therefore illegal, police in Paris have targeted the apartments of migrant Chinese sex workers, such as in a 2013 operation that aimed to prevent Chinese sex workers from working in a certain area. This operation led to many arrests, although those arrested were later released and not considered victims of pimping (Le Bail and Lieber, 2021).

## Operasjon Husløs (Operation Homeless)

Operation Homeless, which took place from 2007 to 2011 in Oslo, Norway, is a prime example of how law enforcement can negatively impact racialised sex workers' housing. The anti-trafficking initiative instigated "the systematic and rapid eviction of many sex workers from their places of work and/or homes" (Amnesty International, 2016, p. 31). Between 2007 and 2009 alone, the Oslo police raided around 150 apartments, massage parlours, and brothels. Between 2007 and 2014, they closed around 400 apartments used for sex work. This Operation was made successful by Section 315 of the Norwegian Penal Code, which states that landlords "can be prosecuted for promotion if they have knowledge

that sex work is occurring on their premises and fail to take action to stop it" (ibid.). Although selling sex is not illegal in Norway, Section 315 provides law enforcement with considerable leverage over landlords and sex workers. The former are pressured with legal action if they do not comply by evicting sex workers, and the latter are forcefully evicted, resulting in loss of rent and deposit money. Although Operation Homeless has ended on paper, migrant sex workers continue to be evicted from their homes and workplaces, and police now supposedly concentrate their disruptive efforts towards Nigerian women who work from apartments (ibid.).

Migrant sex workers sometimes rely on third-party facilitators or intermediaries to secure accommodation because of the racial and ethnic discrimination they face in the housing market, as well as a potential lack of language ability and knowledge needed for negotiation. Furthermore, migrants who reside in detention centres and low-income or transitional housing (e.g. shelters) must abide by strict curfews and guest policies, that "force sex workers to accept risky clients to meet curfew, or work outdoors where their ability to negotiate safety and condom use is limited. Additionally, sex workers who are staying in these settings might focus their attention on the more immediate concerns of food and housing instead of concerns of their sexual health" (ESWA, 2016, p. 18).

Even if racialised migrant sex workers do have a regularised status, being a migrant in and of itself can be grounds for discrimination from some landlords. As one focus group participant describes in the quote below, other factors, such as being trans, further block access to housing:

“Even though you have your papers, like you’re in a regularised situation, sometimes when you give the residence card and they see that it’s a resident card, landlords don’t usually rent to you... And if you are a trans woman, it’s even worse because the thought is, this person is going to do sex work here and I don’t want that. That’s an image that of course we have because the society hasn’t left us any other choice of work, so they say oh, this person looks trans, so probably she’s going to do sex work and so it’s not available.”

While the housing situation was already difficult for racialised sex workers in Europe and Central Asia, the COVID-19 pandemic has exacerbated it further. In gentrified European cities like Barcelona, sex workers who lived at their workplaces became homeless when those were shut down during lockdowns and restrictions (ESWA, 2021b), and others became homeless due to the loss of income.

## **HEALTHCARE**

In Europe and Central Asia, (gaining access to) healthcare remains tenuous for racialised people in general. Racism and discrimination, influenced by racial stereotypes, are normalised in regular medical routines in Europe. They emerge through an increased belief that minority groups are undeserving of medical care; many healthcare providers don’t view their patients’ health concerns as legitimate. Overall, racism and discrimination in healthcare have been linked to poor mental health outcomes and maternity care, and higher rates of mortality (Hamed et al., 2020).

Sex workers in Europe and Central Asia may also suffer from poor mental health as a result of stigma and criminalisation (ESWA, 2021b). Mental and general healthcare services for sex workers are frequently hindered and limited (Network of Sex Work Projects, 2018), and access to healthcare varies among racialised sex workers. Those who are citizens in their current country of residence benefit from having easier access to healthcare services, although this is not the case for transgender sex workers. Since trans people are pathologised in most European and Central Asian countries, trans people face great difficulties in accessing trans healthcare, which is overall sorely lacking. Many countries require a mental health diagnosis, and nine<sup>5</sup> still demand sterilisation (Transgender Europe,

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5. Bosnia and Herzegovina, Czech Republic, Finland, Kosovo, Latvia, Montenegro, Romania, Serbia, and Turkey.

2022b). Self-determination for legal gender recognition is only acknowledged in seven countries across Europe<sup>6</sup> (Transgender Europe, 2022a).

Racialised sex workers with a migrant background also experience barriers to public healthcare. In many EU and non-EU states, access is dependent upon an individual's citizenship status, possession of a residence permit, and/or medical insurance. Migrants have a difficult time fulfilling these requirements for healthcare since they are either directly or indirectly tied to a person's employment status, employment relationship, or proof of a legitimate source of income. Since sex work is not recognised as a legitimate form of labour in many places throughout Europe and Central Asia, they are frequently denied any legal means towards obtaining residence or work permits that are required to access public healthcare (ESWA, 2016).

The healthcare situation for migrant sex workers with an irregular status varies by nation, although irregular migrants, including undocumented sex workers, are entitled to emergency care in all EU member states. However, in Greece, Hungary, Poland, and Sweden, undocumented migrants must cover their own healthcare costs. In addition, healthcare providers may require proof of ability to pay for healthcare. For most EU member states, access to primary and secondary healthcare for migrants in irregular situations is only granted conditionally. In France and Spain, for example, these services are only available to those with an irregular migrant status with proof of identity and a fixed address. And in Germany, Ireland, and the UK, they are only available for "migrants against payment" (ESWA, 2016, p. 21). Furthermore, in Belgium, France, Italy, and Spain, undocumented migrant sex workers can receive full access to all public healthcare services if they can prove they lack sufficient financial means to cover their healthcare costs, otherwise they must pay out of pocket with private insurance. These barriers in the formal healthcare sector result in sex workers with an irregular migrant status delaying or avoiding seeking treatment altogether, even if they are legally entitled to it.

Another problem (undocumented) migrant sex workers face is the use by governments of healthcare as a tool of migration control. Some European countries, such as Ireland and Germany, have policies requiring healthcare providers and administration authorities to report migrants they suspect of being undocumented. Undocumented migrants in Russia can also be deported if they report a positive HIV status from a private clinic (Sex Workers' Rights Advocacy Network (SWAN), 2021). These anti-immigrant policies increase migrant sex workers' reluctance to seek healthcare at both state-run and non-state-run facilities, which leads to poor health outcomes. Moreover, language and cultural barriers also prevent migrant sex workers from accessing healthcare, especially if facilities and services lack cultural respect, informational and educational materials

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6. Portugal, Malta, Ireland, Belgium, Denmark, Norway, and Iceland.

provided in multiple languages, and facilitated contact between migrant sex workers and healthcare professionals (ESWA, 2016).

The COVID-19 pandemic has aggravated the barriers to healthcare for racialised sex workers. Due to lockdowns and restrictions, HIV and other sexual health-related services have been reduced or suspended, which reduces access to condoms and lubricants (NSWP, 2020). The suspension of sexual and reproductive health services has also increased the risk of STIs and HIV for sex workers who have had to continue working. Additionally, trans healthcare has suffered; trans sex workers have had to endure disruptions in hormone therapy and other treatments. (Undocumented) migrant sex workers have been mostly, if not completely, left out of healthcare systems (SWAN and ESWA, 2020).

## **LABOUR**

In Europe and Central Asia, racialised sex workers face structural barriers in labour before they even enter the sex industry. According to a shadow report produced by the European Network Against Racism (ENAR) on racism and discrimination in European employment, ethnic and migrant minorities are less likely to get through recruitment processes and tend to have lower-status jobs and less wage. They also have higher unemployment rates and are overrepresented in certain job sectors, especially those who are trans and migrants (ENAR, 2017). For migrants, their hardships begin in their home countries, especially if they are trans. For migrant trans people, the transphobia and consequential discrimination as well as violence they face in their home countries push them to migrate to Europe, where they are blocked from an entirely new set of restrictive anti-immigration institutions, laws, and practices.

On a European level, the EU Employers' Sanctions Directive, implemented in 2009, punishes employers and subcontractors who hire migrants with irregular status. Undocumented migrants are left with few work options in the informal sector or underground economy and might therefore view sex work, with its flexible hours and better pay, as an alternative. On a national level, many European countries have laws that make it illegal for refugees and asylum seekers to engage in any economic activity or to legally work. As a consequence, they are forced into "low-wage, precarious and often exploitative labour arrangements outside of the formal economy" (ESWA, 2016, p. 12).

Sometimes, it is their lack of alternative employment options that leads racialised people, especially migrants and refugees, to engage in sex work. Such is the case for Syrian refugees in Turkey (Alonso, 2018). One of ESWA's focus group participants mentioned that many Latin American women start sex work in Europe because of the barriers they face, for instance the cost of legitimising university

degrees, or lack of recognised documents. Another, who currently lives in the Netherlands, also struggled to find finding a job outside of sex work, even though she has a work permit. She says:

“Not only [is there a] limitation that I am a transgender migrant, but also before COVID-19, here in the Netherlands, it gets even more elongated... Between the waiting and [frustration] and everything, I just cannot imagine what is the case for [a] person like me who [is] less privileged. I mean, I do have legal recognition as a refugee, but what happens to the other ones that don't? And I do have it, but I still don't get any response from the state.”

Within the sex industry, labour and income can be more precarious and risky for racialised sex workers. And since whiteness dictates the value of women's sexual labour (Kempadoo and Durisin, 2020), white sex workers benefit from privileges that their racialised colleagues across all areas of the industry do not; access to a larger client base, the ability to charge higher rates, and overall better working conditions. Common themes that emerged from the racialised focus group ESWA conducted included being pushed into more dangerous - potentially exploitative - work situations, not being paid equally as their white colleagues, and being fetishised and tokenised by brothel owners, managers, and clients.

One of the focus group participants in France said that working conditions for racialised sex workers are very difficult, and that they do not have the same income as their white colleagues. This is especially true for people who work on the streets or as an escort. Due to the 2016 law that criminalises clients, self-protection has become even more difficult:

“Because you also need money and salary, I think, the ratio, like to gain and for it to be safe, it's quite complicated.”

Another focus group participant explains how structural racism is present in the workspace in Spain, where management favoured women with lighter skin tones and more Eurocentric features:

"It has happened that usually the whitest - even though they're Brazilian, but they have this white-passing [look], or these white Latin Americans... - [The brothel owners or managers] have this preference... they put them first because they think that they're going to be chosen before any other sex worker. So it's... favouritism towards whiter sex workers, even though they're Latin American, but they look white and [have] blue eyes. And of course they're always pushed first. And if you are darker-skinned, sometimes managers offer you [as] like, 'exotic,' something like that. 'Mulata,' that is, 'something exotic.' And there is usually one in a flat or in a brothel. Or two, but usually just one is 'the Black one.'"

A Roma sex worker in the focus group also described structural inequalities within the Romanian sex industry, where:

"Lack of access to education also means not being able to make as much money as other sex workers, not [be able] to pass as a fancy, educated, more high-end sex worker, which would mean more money, and so on. It also means that having less access to education, to health, in general, to any kind of support that [means] Roma sex workers end up in very [exploitative] conditions, even trafficking. That's also a problem."

In addition, focus group participants emphasised various sexualised stereotypes and tropes that management and clients push onto racialised sex workers. In Romania, Roma women are viewed as "very passionate" and "good at sex." Latina sex workers are typecast as "fiery and passionate lovers." Arab women are also fetishised in France, with one focus group participant explaining how this fetishisation hurts Arab sex workers' work options and experiences in the French sex industry:

"It's hard to find a job sometimes because I think there are Eurocentric standards... When you call and you say you're Arabic, they don't want to meet you or they don't want to book you. And if you are working sometimes... when you walk in front of clients and they pick you, it is also difficult because with white girls... they will have better chances... I also experience [a] lower [salary] than my white colleagues. We didn't have

the same... ...commission [from] clients. And I think... sometimes clients - they tend to be more aggressive sometimes when they fetishise you because they don't want to talk to you directly. They are more like, I dunno, the time I was in conflict with clients, it was because they were like, 'Oh you are an Arab woman. You're not educated' or this kind of behaviour. Like, 'I can do whatever I want.' And I think it was a part of the fetishisation, to be very aggressive towards me."

Currently, sex work in Europe and Central Asia is being drastically impacted by the COVID-19 pandemic. Restrictions and lockdowns have resulted in a decline in the number of clients and sex workers' income. In countries where sex work is criminalised, sex workers had no government support; and in places where sex work is legal, only those in the licensed sectors had access to financial aid (ESWA, 2021b).

## **LAW ENFORCEMENT**

Racism in law enforcement is pervasive in Europe, manifesting in practices such as "persistent racial and ethnic profiling, systematic over-representation in law enforcement databases, and in the worst cases, violence, brutality and in some cases even fatalities in police custody" (EQUINOX, 2021b, p. 11).

According to ESWA's 2022 report "Undeserving Victims? A Community Report on Migrant Sex Worker Victims of Crime in Europe," high levels of surveillance and profiling are evident, as migrant sex workers mostly interact with police during identity checks (57%) and residency checks (30%) (ESWA, 2020). Additionally, police target visible migrant sex workers, such as in Paris, where local police systematically target Chinese migrant sex workers (Le Bail and Lieber, 2021).

Sex workers with an irregular migrant status are "disproportionately subject to police harassment and targeted for immigration enforcement, including as a result of anti-trafficking initiatives" (PICUM, 2019, p. 5). Migrant sex workers also interact with the police when they seek help (24%), report crimes (22.5%), are interviewed as a victim (21%), during police raids (21%), and during public order maintenance actions (16%). During these interactions, police regularly exhibit sexism, transphobia, and anti-sex worker bias through their use of derogatory language and by misgendering trans people (ESWA, 2020).

Police raids are regularly employed in anti-trafficking projects, and often result in evictions and deportations, even in locations where selling sexual services is legal or decriminalised. Operation Nexus, which was initiated in the UK in 2012, specifically aims at targeting and deporting “foreign national offenders and migrants suspected of breaking the law,” and has disproportionately impacted migrant Central and Eastern European sex workers through anti-trafficking police raids, arrests, and subsequent deportations (PICUM, 2019, p. 19).

In Romania, police - who are mostly white cisgender men - frequently (sexually) abuse and regularly detain sex workers. Trans and/or Roma sex workers and sex workers who work on the street face even more abuse, which includes transphobic and racial slurs. One of the focus group participants mentioned that police in Romania frequently abuse trans and Roma sex workers, especially those who work on the street, because sex work is criminalised. She says:

“[Police] also try to keep sex workers as much as is legally possible in the police department, to take them off the streets. And if you’re trans and/or Roma, they’re gonna add to that all the racial, transphobic slurs and so on... there are a lot of documented cases of sexual harassment and abuse... If you’re a trans street sex worker, I think you’re the most prone to sexual abuse within the police department.”

Race also plays a role in racial profiling in Spain, where, according to one of the focus group participants, white-passing Latina sex workers are not as frequently racially profiled on public transportation as those with darker skin or more “ethnic-looking” features. The ability to “pass” as white sometimes allows those sex workers to evade the eyes of law enforcement. In Central Europe, police frequently target sex workers by race and gender. Roma cis women especially report living under the constant threat of violence from the police (SWAN, 2015).

It is also important to note that, while many sex workers are disadvantaged by the criminal justice system due to their migrant status, the disproportionate impact of racism cannot be ignored. According to police statistics gathered in Finland from 2011 to 2014, 70% of people deported from Finland were Nigerians living in another EU country, whereas only 30% of Russians on tourist visas were deported. This is significant because Russians outnumber Nigerians in club and street sex work, and they could also be considered “‘equally deportable’ third-country nationals” (Vuolajärvi, 2018, p. 11). In the Netherlands, the municipality of Amsterdam also acknowledged that local police targeted Asian massage parlours during crackdowns on illegal prostitution and trafficking (Gemeente Amsterdam, 2018).

## **ACCESSING JUSTICE**

When it comes to accessing justice, racialised sex workers come across more structural barriers than non-racialised workers. Migrant sex workers who have reported incidences of violence to the police are often supported by a local sex worker groups. During interactions with police, sex workers have experienced disrespect, insensitivity, and discrimination. According to a SWAN report on migrant sex workers in Central, Eastern Europe and Central Asia, migrant sex workers in these regions regularly experience police bribes and forced sexual acts, which are sometimes secured through threats of public exposure.

Even though some migrant sex workers also have positive experiences with the police, if they are undocumented, the police are generally unable to help them. For undocumented migrant sex workers, there is no protection from the state; their access to justice is severely limited, if not non-existent. Many do not contact the police when they experience incidents of violence out of fear of arrest, detainment, and deportation - a fear that is based on reality in Europe and Central Asia (ESWA, 2020). In Kazakhstan, for example, police first check the documents of migrant sex workers who they come into contact with. If they are documented, they receive fines higher than non-sex workers for soliciting, and if they are undocumented, they are deported and then also fined for soliciting as a migrant and being in the country "illegally." Migrant sex workers in Europe and Central Asia are subjected to administrative detention risk, as well as being placed in the wrong detention facility if their gender does not match the gender marker on their passport (SWAN, 2021). One focus group participant who worked in Spain explained how this fear of detention and deportation prevents migrants from reporting injustice:

"Sometimes... if you report something, some problem, some violent act against you, sometimes it has happened that they have no papers, [the police will give you an] expulsion file, it's called in Spain. Like the first time you are caught without papers, you don't get deported but you get a warning. You have this warning... this deportation file. You can leave, but you still have this on your record. And if... you're caught again, you're taken to this migrant centre [where you await] deportation. So basically people don't report violent acts unless they're super necessary, [unless] you're in the hospital and the hospital calls the police."

Sometimes police are either unable or are reluctant to help migrant sex workers, even if they are documented, such as in one focus group participant's case:

"I am a refugee but I do have documents... for example, I [...] went to the police for a case of discrimination when I was trying to get a job. And the police here, they took my complaint and then within two days they told me there is no case here... of course discrimination is very hard to prove... But apparently, another organisation wanted to take my case, and they did achieve some kind of agreement with the company that I was filing the complaint against."

During the COVID-19 pandemic, sex workers became further susceptible to law enforcement. Lockdowns and restrictions on sex work led to increased policing. According to Transgender Europe (TGEU), trans sex workers in Europe and Central Asia have felt increasingly threatened in public spaces since the pandemic began; for example in France "reported cases of police brutality, particularly against BPoC people and/or sex workers has drastically increased" (TGEU, 2021, p. 23). ESWA also reports that in Norway, "the police used pandemic regulations to unfairly arrest, detain, heavily fine, and deport foreign sex workers, using the National Act relating to the control of communicable diseases as pretext for harassment and deportation of sex workers" (ESWA, 2021c, p. 11). In the UK, racialised women and migrant women were particularly targeted under lockdown regulations, resulting in fines, harassment, and raids (ESWA, 2021c).

## **AGENCY AND RESISTANCE**

While acknowledging the major and minor hardships that dealing with racism and other systems that oppression entails, we must also recognise the resistance and agency that racialised sex workers exhibit. In fact, there are several racialised and migrant sex worker-led organisations in the region, such as the Steel Roses, ACCEPTESS-T, Trans United Europe, Cosmopolitans, the Black Sex Worker Collective, and more. Acts of resistance include large events, such as protests, but also smaller, everyday actions that often go undocumented.

Past examples abound. For example, when Parisian police targeted migrant Chinese sex workers, STRASS and Steel Roses organised a rally, calling for an end to police harassment (Europe Regional Correspondent, 2015). The ways that focus group participants resisted racism varied, but one common method included self-organising and self-educating. A participant in France, for example, organised a sex worker-only self-defence training:

“It’s really empowering, I think, to know how to react...and yeah, to educate myself to know my rights.”

This same participant also addressed the racism she experienced while working for third parties by starting to work for herself. She shared that working independently affords her control over her own image and prices and allows her to explore sex work in a context outside of exploitation:

“It was really nice because I can explore many things in sex work that I used to do before, but [now] less mechanically. And in a better way.”

Sex workers in Romania have also self-organised to form the Roma and trans sex worker-led group, Sex Work Call. They focus on educating their peers on their rights and how to deal with the police. She says:

“That was one of the reasons for founding Sex Work Call, our organisation in Bucharest. We let other sex workers know that we all have rights.”

In response to the COVID-19 pandemic, sex workers banded together in mutual support. In Paris, Acceptess-T - a migrant, trans, sex worker of color-led community organisation - had already prepared an emergency response plan before the government implemented a lockdown and other measures. Their FAST emergency initiative crowdfunded over 100,000 euros that was distributed to the trans community and the debts accrued from financing their housing. The FAST team also prioritised their efforts toward individuals facing multiple discrimination

as sex workers and/or migrants, and they attempted to negotiate with landlords to lower rent prices. Thanks to their hard work, the Municipality of Paris recognised the role of community-led programmes and financially supported this program (ESWA, 2021c).

In addition to making conscious decisions that benefit their situation, one of the focus group participants also noted the perseverance among transgender sex workers that helps them to resist marginalisation and abuse. The many actions of strength and agency from racialised sex workers must not be overlooked or forgotten.

# Conclusions and Recommendations

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This report has only begun to scrape the surface of how racialised sex workers in Europe and Central Asia continue to experience the impacts of structural racism. It has highlighted the discrimination and violence that stems from this structural racism, both within and outside sex work. Whorephobia, racism, and xenophobia (and other interlinked systems of oppression, like sexism, trans/lesbo/homophobia, and classism), combined with ASWTI laws and policies, play a significant role in how racialised sex workers navigate housing, labour, healthcare, law enforcement, and seeking justice. Despite the obstacles that racialised sex workers face in and outside of sex work, they also exhibit agency and resistance in various ways. Nevertheless, governments must do more to ensure the equal treatment and opportunities of all racialised sex workers in Europe and Central Asia.

## Recommendations to the European Commission

- Address gaps in the EU anti-racism action plan, as highlighted by ENAR. They include:
  1. developing intersectional equality legislation, which also takes nationality into account,
  2. obliging the Member States to collect data disaggregated by race,
  3. tackling obstacles to accessing justice, particularly at the highest institutional levels, and
  4. including law enforcement in the legislation framework mentioned in the action plan (Sanullah, 2022).
- Hold police accountable for violence and discrimination through the EU Directive on law enforcement and discrimination.
- Ensure that the EU Victims' Rights Platform addresses violence against racialised people and other marginalised groups.
- Adopt a pro-decriminalisation stance towards sex work that includes the decriminalisation of migrant sex work, and encourage the Member States to enact full-decriminalisation sex work policy.
- Implement regularisation mechanisms for all undocumented migrants in the EU, as recommended by PICUM (2022).

# **Recommendations to National Governments**

- Decriminalise sex work on all levels, also for migrants.
- Reform anti-trafficking legislation to address extreme forms of exploitation.
- Implement anti-racism policies in the areas of housing, employment, healthcare, and law enforcement.
  - Reallocate funding from law enforcement and border control to other community needs.
- Implement regularisation mechanisms for all undocumented migrants in the EU, as recommended by PICUM (2022).
- Safeguard the rights of racialised sex workers during their encounters with law enforcement.
  - Implement a 'firewall', so that undocumented sex workers can report instances of violence to the police without the risk of deportation.
  - Do not use police, social workers, or immigration officials as the first contact points when engaging with migrant sex workers. Instead, send service providers that are independent of state and immigration authorities.
- Disaggregate data by race, ethnicity, religion, and gender.
- Provide support services to survivors without conditions (for example, stopping sex work, or testifying).
- Reallocate funding from anti-trafficking initiatives to sex worker rights organisations.
- Tackle the economic root causes that make us engage in sex work. Prioritise the access of sex workers to social housing programs.

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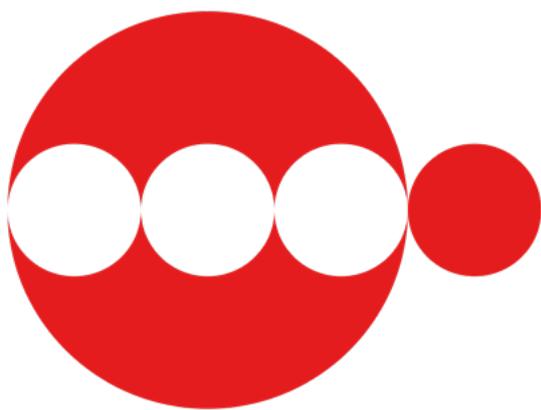
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This Community Report was developed by ESWA with the financial support of:

