

President Ursula von der Leyen
European Commission
1049 Brussels, Belgium

Copy to:
Members of the Crisis Coordination Committee
Commissioner for Equality Dalli

Subject: COVID-19 impact on sex workers and immediate responses needed from the European Commission

Dear Commission President, Members of the Crisis Coordination Committee and Commissioner for Equality,

As the COVID-19 crisis deepens in Europe, the International Committee on the Rights of Sex Workers in Europe (ICRSE) has been made painfully aware by its membership that sex workers are amongst the hardest hit by the pandemic. Lockdowns, self-isolation and travel restrictions have put the majority of sex workers out of work, pressing some onto the streets and into destitution, where the risks are heightened by the pandemic. The most precarious sex workers, including (undocumented) migrants, single parents, LGBTIQ sex workers and sex workers of colour are amongst those most impacted by homelessness and lack of access to healthcare and social and economic support.

ICRSE is a European network of more than 100 sex worker and allied organisations and is currently documenting the impact of the crisis on sex workers and mobilising to formulate and amplify the demands of this highly stigmatised and criminalised community. Our recommendations to national governments have been endorsed by more than 100 organisations, including European networks, such as ILGA-Europe, the Platform for International Cooperation on Undocumented Migrants (PICUM), La Strada International and AIDS Action Europe. (1)

As the European Commission is revising and re-prioritising its 2020 work programme, we are urging you to mainstream the concerns of sex workers in your response and take measures to ensure that sex workers and their organisations are included in short and long term recovery plans.

Sex workers have been largely left out from consultations in European policy-making for decades. Our communities and allies from the LGBT, health, migrant and women's rights field loudly protested the adoption of the *Honeyball resolution* in 2014, which recommends to Member States the criminalisation of clients, despite overwhelming evidence in favour of sex work decriminalisation, supported by the World Health Organization and several UN bodies, such as UNAIDS. This measure, the so called Swedish model, has since been implemented in France, Ireland and Northern Ireland since the resolution, having pushed sex workers to economic precarity, vulnerability to negative health outcomes, exploitation and violence, and leading to the increasing volume of deportation of (undocumented) migrants. The unproven correlation between the legalised nature of the sex industry and the number of identified trafficking victims - a primary argument of the Honeyball report - have also surfaced in diverse EU (2) and Europol (3) reports.

1 redlightcovidEurope.org/

2 Study on the gender dimension of trafficking in human beings. Available:
<https://ec.europa.eu/anti-3>

trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_executive_summary.pdf
3 <https://www.europol.europa.eu/publications-documents/trafficking-in-human-beings-in-eu>

Our communities are also systematically excluded from the European anti-trafficking response, despite recommendations formulated by several anti-trafficking policies to include those at-risk of exploitation and trafficking who are the most affected. Not one sex worker organisation has been allowed into the European Union Civil Society Platform against Trafficking in Human Beings, which contains over 100 participants, despite many groups' efforts to join. (4) Furthermore, a review of 321 anti-trafficking projects financed by the European Commission between 2004 and 2015 shows that not a single project had a sex worker-led organisation as a project lead. (5) Sex worker groups only rarely receive funding from their own national, provincial and municipal governments. (6) Consequently they do not have sufficient capacity to reach as high as Commission-level funding.

The COVID-19 crisis sheds light on sex workers' lack of protection in unprecedented ways. Organisations from our membership report that the majority of sex workers have been unable to access the safeguards provided for many other workers, such as sick pay and social benefits due to the widespread criminalisation of sex workers, their clients and third parties. Most are left out of income substitution programmes, whilst transgender sex workers and women of colour especially struggle with continuing fines, arrests and deportations. We acknowledge that prostitution policies fall under the competences of Member States, however we ask for immediate attention to sex workers' victimisation and exclusion from health and social services in the European Union, by mainstreaming the needs of this community in the following policy instruments:

European Parliament COVID-19 resolution and its implementation

We applaud your efforts to adopt the *Resolution on EU coordinated action to combat the COVID-19 pandemic and its consequences*. However, we observe that no specific attention has been given to our communities deeply affected by the crisis. We share your appreciation of civil society efforts, but do not want to keep those at the frontlines anonymous: sex worker communities have quickly reacted to the crisis by collecting and distributing relief to the most precarious in their context and deserve inclusion in providing direct support to the most affected and financial support.

We urge the European Commission to:

- Monitor Member State measures with a special view on how civil society is included in the emergency response, including community-based groups that operate on limited budgets, such as the organisations of the sex worker, LGBTIQ, (undocumented) migrant communities and communities of colour.
- Monitor Member State measures to maintain services for victims of violence, and call on states to expand services by involving community-based organisations for those who are often left behind in the response to gender-based violence, such as sex workers, (undocumented) migrants, women of colour and LGBTIQ people. Pay particular attention to the inclusion of sex workers in measures to protect the homeless and to suspend evictions and to support tenants and mortgage payers, and monitor that these measures are implemented in non-discriminatory ways.
- Monitor Member State measures in the area of health, with particular attention to equal access to healthcare, including access to sexual and reproductive health and rights for sex workers and recommend to Member States that those most in need, including (undocumented) migrants, sex workers, LGBTIQ people and homeless people benefit from investments in the healthcare sector, potentially supported by the EU COVID-19 Solidarity Fund.
- Include the perspectives of sex workers in the new multiannual financial framework (MFF) and ensure that sex workers' rights and access to justice and services are streamlined across all areas of funding and programming.

4 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_civil_society_platform_against_thb_2018_0.pdf

5 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_comprehensive_policy_review.pdf

6 https://www.mamacash.org/media/publications/report_funding-sex-worker-rights_2014_final_web.pdf

Gender Equality Strategy 2020-2025

We welcome the fact that the new Gender Equality Strategy calls for an intersectional perspective in gender equality policies and acknowledges intersectional discrimination, i.e. the discrimination resulting from interconnected identities such as gender, class, race, sexuality, disability, religion. However, we believe that measures are needed to ensure that this will happen in practice and the sex worker community will also benefit from protection.

We urge the European Commission to:

- Monitor the implementation through the Task Force for Equality in collaboration with the DG JUST Gender Equality Unit, and pay special attention to those facing intersectional discrimination, such as sex workers, ethnic minority women, transgender women and other groups who have been left out of the majority of European and Member State-level policy initiatives.
- Give adequate consideration to sex workers and their organisations in the monitoring and implementation of the Strategy, along with the inclusion of other groups facing intersectional discrimination.

EU accession to the Istanbul Convention

We share the demand of many European networks to implement the *Council of Europe Convention on preventing and combating violence against women and domestic violence*, the Istanbul Convention, and to urgently propose a Directive on preventing and combating all forms of violence against women and girls. We believe this Directive can be of utmost importance to sex worker communities, who lack access to anti-violence provisions and justice mechanisms all across the European Union.

We urge the European Commission to:

- Conduct in-depth research on violence against sex workers in the EU with the meaningful involvement of sex worker communities and their organisations, and based on the research suggest recommendations to Member States and propose measures that will enable sex workers to live free from violence.
- Take steps to include sex worker organisations in the Commission's initiatives on gender equality, with the meaningful involvement of the most marginalised communities, such as transgender women, women of colour, Romani women and (undocumented) migrants.

Victims' Rights Strategy 2020

ICRSE welcomes the proposed priorities that include empowerment of victims of crime, strengthening cooperation and coordination, improving protection and support of the most vulnerable victims, facilitating victim's access to compensation and the international dimension of victim's rights.

Sex workers in Europe face an epidemic of violence across the region, from various parties, including third parties, people posing as clients and their immediate environment as well as police. Discrimination, stigmatisation of sex workers, profiling and surveillance by authorities manifest themselves in continuously enforced practices affecting diverse communities of sex workers in the region, especially endangering gender non-conforming people, racial and ethnic minorities, migrant sex workers, people who use drugs and those affected by poverty and homelessness. Members of these communities and those who face intersectional discrimination and people who are on the margins of our society when seeking access to justice, face requirements and restrictions to which other victims are not subjected. Such a differentiation may run counter the non-discrimination principle of Article 1 of the Victim's directive.

We urge the European Commission to:

- Conduct in-depth research on access to justice among the most marginalised sex workers in the EU and based on the research suggest recommendations to Member States and propose measures that will enable sex workers to report crimes safely.
- Recognise and promote implementation of a firewall between public immigration enforcement and service provision in the area of social services and access to justice system in order to adhere the non-discrimination principle of the directive.
- Promote meaningful inclusion of representatives of the most marginalised communities - sex workers and their organisations, transgender women, LGB people, homeless people and (undocumented) migrants - into the cooperation and coordination mechanisms for victims of crime at national levels.

Economic and social policies

In the current crisis, already significant gender inequalities will deepen. Sex workers will be amongst the most affected, as they work in an informal and criminalised sector and are majority women and LGBTIQ people. The COVID-19 crisis has shown that women's care work is essential: with school closures and early release of COVID-19 patients and those with chronic illnesses from hospitals, more and more women become primary unpaid caregivers in their families. The underpaid or completely unpaid labour of women have pushed many into working in the sex industry in the past decade, especially with the last ten years of austerity measures impacting women disproportionately in many Member States.

It has never been more timely to develop a care economy. Unpaid or low-paid caregivers and the informal workforce, including sex workers, regardless of their migration status need to enjoy basic social protections, such as health insurance, paid sick and maternity leave, pensions and unemployment benefits.

We urge the Commission to:

- Ensure that gender mainstreaming is at the centre of the development of all policies, particularly in the context of the care economy, climate change, digitalisation and migration. Sex workers and their communities must be part of consultations that strengthen the European response against right-wing radicalisation, increasing xenophobia and backlash against women and minority rights.

We would be happy to provide any further detail or support that would be of assistance when assessing the impact of the COVID-19 crisis on sex workers. We look forward to working with you against the exclusion of our communities.

Yours sincerely,

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