

# **SEX WORKERS IN EUROPE MANIFESTO**

We come from many different countries and many different backgrounds, but we have discovered that we face many of same problems in our work and in our lives.

Within this document we explore the current inequalities and injustices within our lives and the sex industry; question their origin; confront and challenge them and put forward our vision of changes that are needed to create a more equitable society in which sex workers, their rights and labour are acknowledged and valued.

**This manifesto was elaborated and endorsed by 120 sex workers from 26 countries at the European Conference on Sex Work, Human Rights, Labour and Migration 15 - 17 October 2005, Brussels, Belgium.**

## **BEYOND TOLERANCE AND COMPASSION FOR THE RECOGNITION OF RIGHTS**

We live in a society where services are bought and sold. Sex work is one of these services. Providing sexual services should not be criminalised.

Sacrificing sex workers for religious or sexual morals is unacceptable. All people have the right to hold their own personal religious and sexual morals, but such morals should not be imposed on any individual or determine any political decision.

We wish to see a society in which sex workers are not denied social power.

We condemn the hypocrisy within our societies where our services are used but our profession or businesses are made illegal. This legislation results in abuse and lack of control over our work and lives.

We oppose the criminalisation of sex workers, their partners, clients, managers, and everyone else working in sex work. Such criminalisation denies sex workers of equal protection of the law.

Migration plays an important role in meeting the demands of the labour market. We demand our governments acknowledge and apply fundamental human, labour and civil rights for migrants.

### **The right to be free from discrimination**

We demand the end of discrimination and abuse of power by the police and other public authorities. Offering sexual services is not an invitation to any kind of violence. The lack of credibility of sex workers must end.

We demand that crimes against us and our testimonies are taken seriously by the justice system. Sex workers should, to the same extent as anyone else, be presumed innocent until guilt is proven.

Defamation of sex workers incites discrimination and hatred. We demand that sex workers be protected by anti-discrimination legislation.

### **The right to our bodies**

Sex work is by definition consensual sex. Non consensual sex is not sex work; it is sexual violence or slavery.

We demand our right as human beings to use our bodies in any way we do not find harmful; including the right to establish consensual sexual relations, no matter the gender or ethnicity of our partners; regardless of whether they are paying or not.

### **The right to be heard**

We assert our right to participate in public forums and policy debates where our working and living conditions are being discussed and determined.

We demand our voices are heard, listened to and respected. Our experiences are diverse, but all are valid, and we condemn those who steal our voice and say that we do not have the capacity to make decisions or articulate our needs.

### **The right to associate and gather**

We assert our right to form and join professional associations and unions.

We assert our right to demonstrate publicly.

We demand the right to form business partnerships, both formal and informal, and to participate in social projects.

### **The right to mobility**

We assert our right to be in all public spaces.

We assert the right of all persons to move within and between countries for personal and financial reasons, including seeking gainful employment and residence in the area of their choice.

The trafficking discourse obscures the issues of migrants' rights. Such a simplistic approach to such a complex issue reinforces the discrimination, violence and exploitation against migrants, sex workers and migrant sex workers in particular.

Violence, coercion and exploitation related to migration and sex work must be understood and tackled within a framework of recognising the worth and fundamental rights of migrants.

Restrictive migration legislation and anti-prostitution policies must be identified as contributing factors to the violation of migrants' rights.

Forced labour and slavery-like practices are possible in many trades. But where trades are legal and the labour of its workers recognised, it is more possible to denounce and put an end to the violations of rights and prevent abuse.

We demand our governments prioritise and protect the human rights of victims of forced labour and slavery-like practices, regardless of how they arrived in their situation and regardless of their ability or willingness to cooperate or testify in criminal justice proceedings.

We call upon our governments to give asylum to victims of forced labour and slavery-like practices, and to provide support to their families and friends. Failure to do so perpetuates their exploitation and further violates their fundamental human rights.

### **Abuse in sex work**

Abuse happens in sex work, but does not define sex work.

Any discourse that defines sex work as violence is a simplistic approach that denies our diversity and experience and reduces us to helpless victims. It undermines our autonomy and right to self-determination.

Restrictive legislation contributes to discrimination, stigma and abuse of sex workers.

We demand our governments decriminalise sex work and end legislation that discriminates against us and stigmatises us. We demand the right to report abuses against us without risking prosecution.

Granting rights for sex workers would allow them to report infringements of their human rights.

We demand protection from those who threaten us and our families for exposing them.

We demand methods that allow us to remain anonymous when reporting grievances and crimes against us.

### **Abuse of young people in sex work**

It is essential that education focuses on empowering young people to have sexual autonomy. We demand that support, services and outreach be provided to young people to give them real choice and the possibilities of alternatives.

Young people should have a voice in legislation and policies that affect them.

## **OUR LIVES**

### **Being a sex worker**

Society imposes an 'identity' and 'social role' on sex workers that goes beyond the recognition that we use our bodies and minds as an economic individual resource to earn money.

The 'identity' and 'social role' imposed on us defines us as intrinsically unworthy and a threat to moral, public and social order; labelling us sinners, criminals, or victims – stigma separates us from 'good' and 'decent' citizens and the rest of society.

This stigma leads to people seeing us only as '*whores*' in a negative and stereotyped way – the rest of our lives, and the differences amongst us, become invisible. It denies us a place in society. To protect ourselves and to ensure we have a place within society most sex workers hide their involvement in sex work, many absorb the societal stigma of shame and unworthiness, and live in fear of being exposed. For this reason many sex workers accept the abuses inflicted upon them. The social exclusion that results from the stigmatisation of sex workers leads to denial of access to health, to housing, to alternative work, separation from our children and isolation.

Societal perceptions impose a moral hierarchy within the sex industry - based on migrant status, race, ethnic origin, gender, age, sexuality, drug use, work sector and the services provided - adding to the stigma and social exclusion of certain groups of sex workers. Amongst sex workers themselves there are those who agree with such views. We assert that *all* sex workers and *all* forms of sex work are equally valid and valuable and condemn such moral and prejudiced divisions.

We recognise stigma as being the commonality that links all of us as sex workers, forming us into a community of interest - despite the enormous diversity in our realities at work and in our lives. We have come together to confront and challenge this stigma and the injustices it leads to.

We assert that sex work is a sexual-economic activity and does not imply anything about our identity or value and participation as part of society.

### **Active citizenship**

Sex workers should not be perceived purely as victims to be assisted, criminals to be arrested or targets for public health interventions – we are part of society, with needs and aspirations, who have the potential to make a real and valuable contribution to our communities.

We demand that current mechanisms of representation and consultation are opened up to sex workers.

### **Privacy & family**

We assert our right to be free from arbitrary interference with our privacy and family and to marry and/or found a family.

We are capable human beings, who have the ability to love and care for other human beings - as any human being does. Our work sometimes gives us more financial security and time for a child or partner than other more time consuming and lesser paid work.

The labelling of our partners as pimps and exploiters/abusers simply because they are our partners, presupposes we have no autonomy and implies we are not worthy of love or relationships denying us the possibility of a private life.

We assert our right to establish personal relationships and have self-determination within those relationships without judgement.

We demand an end to discriminatory legislation that prohibits us from being with and/or marrying the partner of our choice and criminalises our partners and children for associating with us and living off our earnings.

The labelling of us by social services and courts as unfit parents and the removal of our children, simply because we provide sexual services, is unjustifiable and unacceptable. Such stigmatisation removes our ability to seek support and assistance if we need it in relation to parenting or abusive relationships for fear of losing our children.

We demand an end to such discrimination.

### **Media and education**

Our voices and experiences are often manipulated by the media and we are seldom given the right to reply and our complaints are dismissed.

The portrayal of sex workers in the mass media all too often perpetuates the stereotypical image of sex workers as unworthy, victims and/or a threat to moral, public and social order. In particular the xenophobic portrayal of migrant sex workers adds an additional level of stigma and increases their vulnerability. Such portrayals of sex workers give legitimacy to those within our society who seek to harm us and violate our rights.

Alongside the misleading images of sex workers, our clients are represented in the media as being violent, perverted or psychologically disturbed. Paying for sexual services is not an intrinsically violent or problematic behaviour. Such stereotyping silences discussion about the reality of the sex industry - it perpetuates our isolation and obscures the actual violent and problematic behaviour of a small but significant number of clients.

Prejudice and discrimination against sex workers runs throughout our society. To overcome this we require our governments to recognise the actual harm that is being done to us, and the value of our work, and support us and our clients in educating and informing not only those in public authorities but also the general public to enable us to participate fully in our society.

### **Combatting Violence against sex workers**

Sex workers experience disproportionate levels of violence and crime. The stigmatisation of sex workers has led to society and public authorities condoning violence and crime against us because it is seen as inherent to our work.

We demand that our governments recognise that violence against sex workers is a crime, whether it be perpetrated by our clients, our managers, our partners, local residents or members of the public authorities.

We require our governments to publicly condemn those who perpetrate actual violence against us.

We demand our governments take action in combating the actual violence we experience, rather than the perceived violence of prostitution put forward by abolitionists who are seeking to eradicate all forms of sex work.

- Time and resources now spent arresting and prosecuting sex workers and non-violent clients should be redirected towards dealing with rape and other violent crimes against us.

- Mechanisms must be developed to encourage and support sex workers in reporting crimes, including early warning systems amongst sex workers themselves about potentially violent clients.

### **Health and well being**

No-one, least of all sex workers, denies there are health risks attached to sex work, however, it is a myth that we are 'dirty' or 'unclean'. In reality we are more knowledgeable about our sexual health and practice safe sex more than the general populace and we act as sexual health educators for our clients.

We call for our role within society as a valuable resource for sexual well being and health promotion to be recognised.

Stigma remains a barrier to health care for sex workers. Prejudice and discrimination occur within healthcare settings where sex workers experience degrading and humiliating treatment from some health care workers.

We demand that *all* health care workers treat us with respect and dignity and that our complaints of discriminatory treatment are taken seriously.

In furtherance of the health and well-being of all sex workers we demand our governments provide:

- access to health services for *all* migrant sex workers
- access to needle exchange and drug treatment options for dependent drug users
- access to treatment options for all people living with HIV, without which many may die unnecessarily.
- access to transitional treatment options for transgender persons

### **Registration and mandatory testing**

Registration and mandatory testing of sex workers has no preventative value, particularly while there is no requirement for clients to be tested. Where mandatory testing still exists one of the consequences is that clients assume sex workers are 'healthy' and resist the need to use condoms as they do not see themselves as a threat to the sex worker.

Registration and mandatory sexual health and HIV testing are a violation of sex workers human rights and reinforce the stigmatisation of sex workers as a threat to public health and promotes the stereotypical view that only they can transmit infections to clients.

We demand an end to registration and mandatory testing.

### **Entitlement to travel, migration, asylum**

The lack of possibilities to migrate put our integrity and health in danger. We demand that sex workers be free to travel within and across countries and to migrate, without discrimination based on our work.

We demand the right to asylum for sex workers who are subjected to state and/or community violence on the basis of selling sexual services

We demand the right to asylum for anyone denied human rights on the basis of a "crime of status," be it sex work, health status, gender or sexual orientation.

# OUR LABOUR

Our bodies and minds are an individual economic resource for many people in many different forms. All forms of sex work are equally valid, including dancing, stripping, street or indoor prostitution, escorting, phone sex or performing in pornography.

For some remunerated sex remains part of their private sphere, as such they operate outside the labour market.

For many others sex becomes work, while some work independently, others work collectively and many are 'employed' by third parties. For them it is an income generating activity and must be recognised as labour.

Alienation, exploitation, abuse and coercion do exist in the sex industry, as in any other industry sector, but it does not define us or our industry. However limits are placed when the labour within an industry is formally recognised, accepted by society at large and supported by trade unions. When labour rights are extended it enables workers to use labour regulations to report abuses and organise against unacceptable working conditions and excessive exploitation.

The lack of recognition of sex work as labour and the criminalisation of activities within and around the sex industry results in sex workers being treated like criminals, even if they do not break any laws. Such treatments alienate us from the rest of society and reduce our ability to control our work and our lives. It creates greater possibilities for uncontrolled exploitation, abuse and coercion – unacceptable working hours, unsanitary working conditions, unfair division of income and unreasonable restrictions on freedom of movement - certain groups of sex workers such as migrants are disproportionately affected by unacceptable working conditions.

We demand the recognition of our right to the protection of legislation that ensures just and favourable conditions of work, remuneration and protection against unemployment.

We demand that sex work is recognised as gainful employment, enabling migrants to apply for work and residence permits and that both documented and undocumented migrants be entitled to full labour rights.

We demand the creation of a European Commission Ombudsman to oversee national legislation on the sex industry. This can be a newly created post or be made part of an existing role.

## **Professional and personal development**

We assert our right to join and form unions.

We as sex workers require the same possibilities for professional development as other workers. We demand the right to be able to develop vocational training and advice services, including support to establish our own business and work independently.

We assert our right to travel and work in other countries. Access to information about working in the sex industry and its different sectors should be available.

We demand that foreign education and qualification be recognised appropriately.

We demand that anti-discrimination legislation is applied both within the sex industry and for sex workers seeking alternative employment given the specific difficulties sex workers face as a consequence of stigma.

We call for support to be provided to sex workers who wish to further their education or look for alternative employment.

### **Taxes and welfare**

We acknowledge every citizen's obligation to financially support the society in which they live. However, when sex workers do not receive the same benefits as other citizens and while our right to equal protection of the law is denied, some sex workers do not feel this obligation.

We demand that we have access to social insurance which gives the right to unemployment and sickness benefits, pensions and health care.

Sex workers should pay regular taxes on the same basis as other employees and independent contractors and should receive the same benefits. Taxation schemes should not be used as a means of registering sex workers and issues related to stigma and confidentiality must be prioritised.

Information on taxes must be accessible and easy to understand, and provided in many languages for migrant workers. Tax collection schemes should be transparent and easily understood for workers to avoid exploitation and abuse by employers.

The purchase of appropriate goods and services, including health services, where paid for, should be considered tax deductible.

### **Health and safety at work**

Our bodies are our business. In order to maintain our health we require free or affordable safe sex products and access to health services.

We demand our governments prohibit the confiscation of condoms and other safe sex products from sex workers and sex work establishments.

We demand our governments provide free or affordable access to sexual health care for *all* sex workers, including vaccinations for preventable diseases.

We demand the health care needs of sex workers be included in *all* health insurance schemes and that sick pay be available for work related illness as with other occupations.

Violence within any workplace is a health and safety issue. Our employers have an obligation to protect us and to take action against those who violate our right to be safe within our work.

We demand that our governments take our health and safety seriously and promote safe working environments in which violence and abuse will not be tolerated. To this end we urge governments to establish emergency telephone advice lines through which sex workers can seek advice and report abuses anonymously.

### **Working conditions**

The fact that sex becomes work does not remove our right to have control over who we have sex with *or* the sexual services we provide *or* the condition under which we provide those services.

We demand the right to engage in sex work without coercion, to move within the sex industry and to leave it if we choose.

We demand the right to say no to any client or any service requested. Managers must not be allowed to determine the services we provide or the conditions under which we provide them – whether we are employees or ‘self-employed’.

We demand the right to fair conditions of work - such as entitlement to the minimum wage, breaks, minimum rest periods and annual leave. Such conditions should also apply to those who are nominally ‘self-employed’ within a collective workplace.

We demand an end to unacceptable practices such as requiring sex workers to consume alcohol and/or drugs at work, to pay excessive costs for food, drink, services and clothing in the workplace.

We demand that health and safety be prioritised in our workplaces and that for those who work independently in public places their health and safety also be protected.

We demand that employers comply with data protection legislation and that our personal details are treated confidentially and that any abuse of our personal details be taken seriously by the authorities.

Legislation regulating working hours and conditions is complex, it is important that clear and accurate information be provided to sex workers and displayed within workplaces about their rights, such information must be provided in many different languages to ensure that all migrants have access to this information.

To improve our working conditions it is important that we have opportunities to self organise and advocate for our rights. We call upon trade unions to support us in our self organisation and in our struggle for fair working conditions.

We call for the establishment of designated areas for street prostitution, in consultation and agreement with sex workers, to enable those who work in public places to do so safely, without compromising an individual's choice to work wherever they choose; such areas will enable us to work collectively and facilitate appropriate services, while the police can ensure we are free from the interference of criminals and other undesirables.

## **Decriminalisation of sex work**

Selling sexual services and being a sex worker is often defined in our societies as criminal, even when neither is an actual criminal offense. The hypocrisy of current legislation is that it criminalises many of the activities within the sex industry that enable us to work collectively and safely. Such legislation – which governments tell us is to protect us from exploitation – actually increases our alienation and gives greater possibilities for exploitation, abuse and coercion within our industry. It treats us as legal ‘minors’ as though we are unable to make informed decisions.

We demand an end to legislation that criminalises us, those we work with and for, organisers and managers who follow good practice, our clients and our families.

We demand an end to legislation that denies our freedom of association, and restricts our ability to self organise.

We demand an end to legislation that denies our right to freedom of movement within and between countries

We demand the right to be able to work individually or collectively; as either independent workers or as employees with the full protection of labour rights.

We demand the right to be able to rent premises from which to work, to advertise our services and to pay those who carry out services for us.

We demand the right to use our earnings in any way we choose. We demand the right to be able use our earnings to support our family and loved ones.

We demand that sex work businesses be regulated by standard business codes, under such codes businesses would be registered not sex workers.

We demand the right to spend time in public places and support the call for designated public areas for street sex work, in consultation and agreement with sex workers, whilst not removing an individual’s right to work wherever they choose

We defend the right of non-violent and non-abusive clients to purchase sexual services.

In order to make sex work safe for all we demand that criminal laws be enforced against fraud, coercion, child sexual abuse, child labour, violence, rape and murder within the sex industry.