## SEX WORK POLICY



Transgender Europe (TGEU) Sex Work Policy

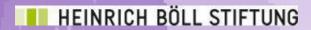
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Member of Sex Worker Open University protests at the Stop Porn Culture Conference, London, UK, 2014 (Copyright SWOU)

tives of further marginalised groups within the trans community. This policy is meant to guide TGEU's work in the field of sex work and to inform sex worker rights activists and allies of TGEU's position. Sex work as a term is used in this document in accordance with the UNAIDS definition:

Sex work means that adult sex workers of all genders who are engaging in commercial sex have consented to do so (that is, are choosing voluntarily to do so), making it distinct from trafficking

The lack of quick, transparent, and accessible legal gender recognition is a further driving factor. Bullying in educational settings could be, at least partly, fended off by identification documents with name and gender matching gender identity or expression. Without this recognition school drop-out rates, underperformance, and suicidality remain a reality for many trans people in education. The low or no level of education and the perceived difference between a person's gender expression and data in personal documents also put legal employment and fair payment for many trans people out of reach. As a result, they are exposed to poverty, homelessness, and inadequate access to healthcare, including the inability to finance gender reassignment. These factors all contribute to the large number of trans people among sex workers



The interconnected system of different forms of structural and institutional violence. Adapted from the Disproportionate Poverty & Homelessness chart of the Sylvia Rivera Law Project.

Available at: http://srlp.org/resources/flow-chart-disproportionate-poverty/

Based on TGEU's consultation with its member organisations and sex work networks from May – June 2015 and studying the position of and evidence ge-



## Various aspects of consensual sex work, similarly as «crossdressing», are criminalised [...] even in legalised environments

Various aspects of consensual sex work are criminalised in European countries<sup>3</sup>, and even in legalised environments, state actors use other means to fine and harass sex workers, e.g. nuisance and public moral laws and non-sex work related administrative offences, such as violation of traffic regulations. Similarly, the criminalisation of 'crossdressing' and 'gender reassignment sur-





Another common threat to both the trans and sex worker communities is the denial of agency and capacity to them. The "Swedish Model" advocates an end demand approach (criminalisation of sex workers' clients) to eradicate sex work as a form of male violence against women. It defines all commercial sex as a form of exploitation. According to this model, it is impossible to consent to 'exploitation'. Thus, sex workers are denounced the capacity and agency to sell sex out of choice and are depicted as victims who need to be rescued. Trans people are also deprived agency over their body, privacy, sexuality, and gender by state control; in several European countries trans people have to undergo forced sterilisation, psychiatric examination, or dissolve their existing marriage as criteria for changing their officially registered name and sex.

## 3. Burdened by HIV

Sex workers and trans people are disproportionately burdened by HIV globally. Prevalence rates among trans women are worrying.

Available figures for trans sex workers in the Netherlands, Spain, and Italy indicate even higher prevalence rates of 20-27%. The underlying factors include structural barriers to the full spectrum of HIV services, institutional discrimination, and high levels of stigma which both sex workers and trans people face.

## 4. Pathologising attitude

Additionally, the pathologising attitude in medical settings and establishments manifests itself in trans people needing to obtain psychiatric diagnoses for their gender to become legally recognised and in sex workers being required to submit to mandatory HIV and STI testing (e.g. in Austria, Hungary, and Latvia).

Forced testing also violates the human rights of trans people and sex workers, including street-based trans sex workers; several police raids have been documented in the region when sex workers and trans people were forced to undergo HIV testing.<sup>6</sup>

"In June 2014, more than 500 sex workers and men suspected of "homosexual behaviours" were arrested in raids in Dushanbe, Tajikistan's capital, for committing "moral crimes". Detainees were forced to have blood and smear tests and several reported beatings and humiliation by the police. Many sex workers reported being raped by the police, who demanded sex in exchange for their release.

All were fingerprinted, filmed and photographed."

<sup>5</sup> Platt, L. et al. (2013) HIV in the European region: using evidence to strengthen policy and programmes. Washington, DC: World Bank Group. Retrieved from: http://documents.worldbank.org/curated/en/2013/05/17796656/hiv-european-region-using-evidence-strengthen-policy-programmes.vulnerability-response-synthesis-report

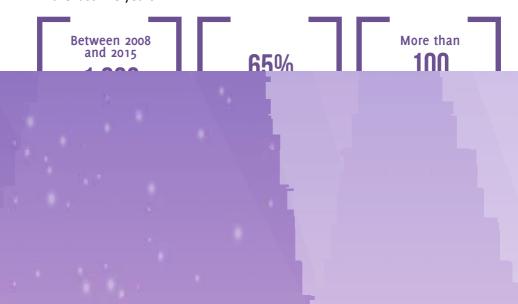
<sup>6</sup> In Thessaloniki, trans women and sex workers have been systematically subjected to arbitrary ID checks and forced HIV testing. More information: http://tgeu.org/tgeu-statement-on-transgender-arrests-to-improve-image-of-thessaloniki/

<sup>7</sup> ICRSE (2015). Underserved. Overpoliced. Invisibilised. LGBT Sex Workers Do Matter. Retrieved.

rom: http://www.sexworkeurope.org/underserved-overpoliced-invisibilised-lgbt-sex-workers-do-matter



Between 2008 and 2015, 1,933 reported killings of gender-variant/trans people in 62 countries have been documented, including 104 in 15 European countries. Of those whose profession was known, 65 per cent were sex workers. In Europe, Turkey has seen 39 trans women, the majority sex workers, murdered in the last five years.<sup>8</sup>



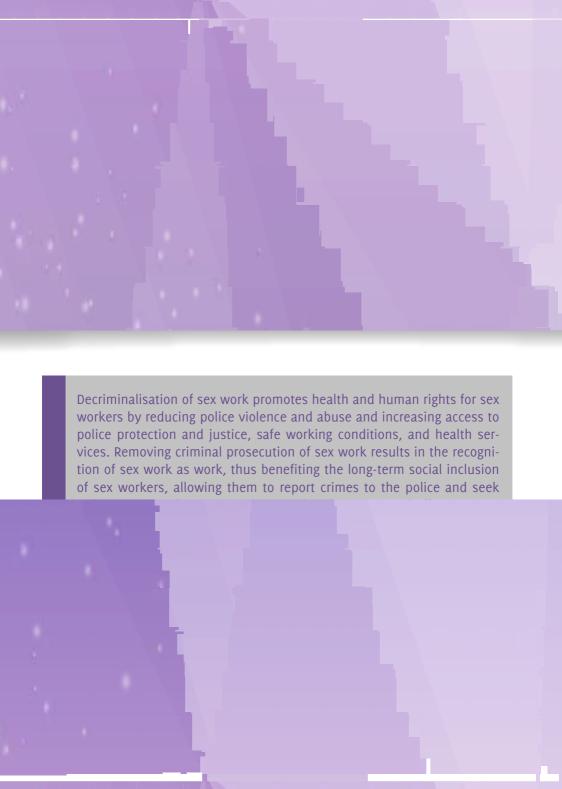


being at-risk of determion of deportation. In face of growing anti-prostitution efforts and xenophobia in Europe, migrant sex workers are particularly affected by repressive measures.

Criminalisation of sex work, sex workers, and their clients, is commonly accompanied by anti-immigration laws, which are intended to arrest and forcibly deport undocumented migrants.

Anti-trafficking and repressive migration policies are implemented in most European and Central Asian countries. More often than not, they are based on the conflation of human trafficking with sex work, as well as with growing an-



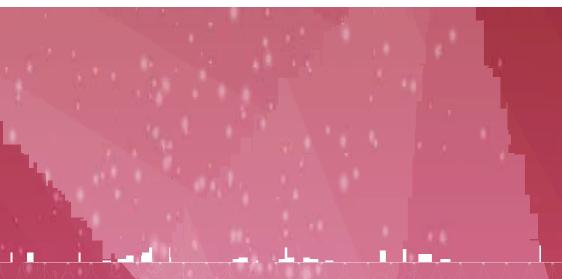


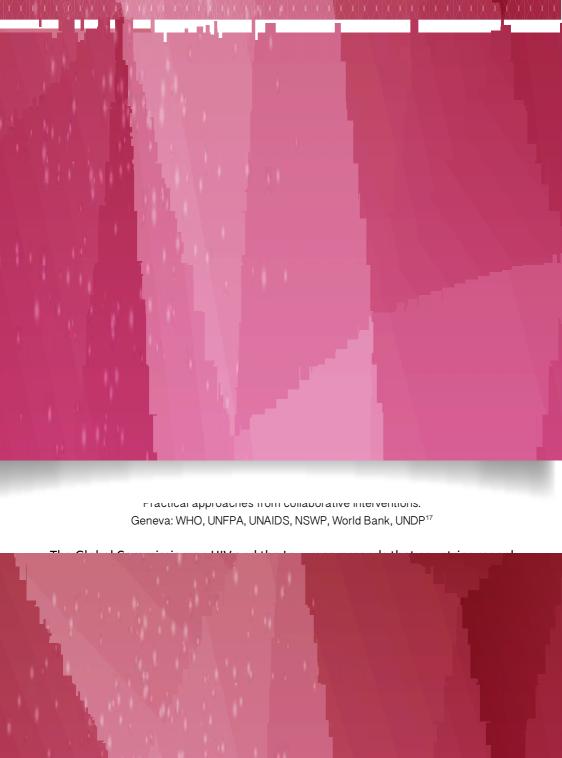
Sox workers' clients, without involving us in the policy-making processes. The so-railed Sweed in on client criminisation is being advertised as a good exemple while many research studies. Human result solvations of see workers it results in constant exposure, police



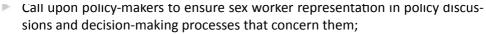
ensure their enjoyment of due process of law."

UNAIDS Guidance Note on HIV and Sex Work<sup>14</sup>





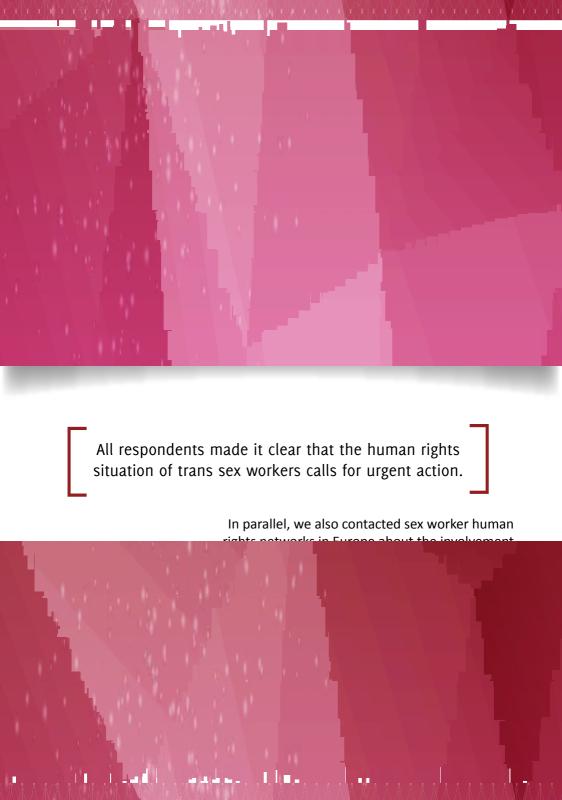
cess to health care, prevention of violence, and gender recognition legislation already benefit trans sex workers. However, specific actions are needed to realise the human rights of trans sex workers. Based on the consultation, the following forms of engagement for TGEU to support the human rights struggle of



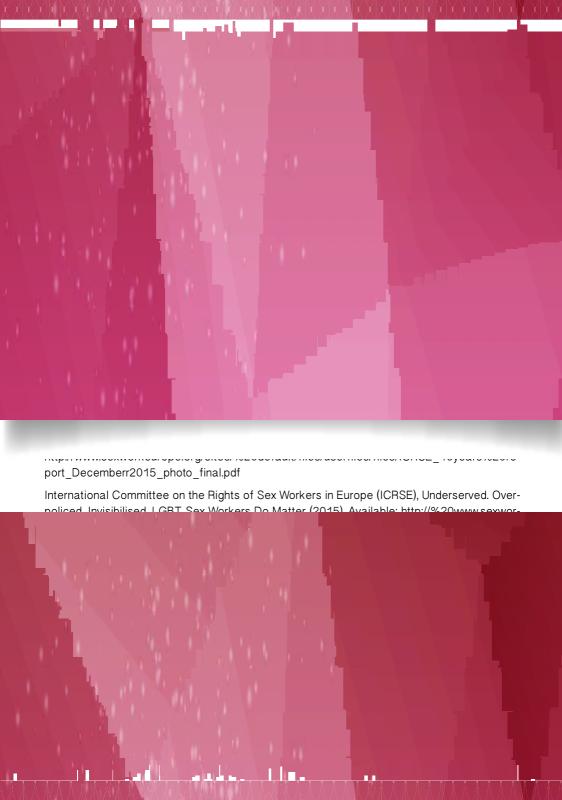
► Call upon feminist organisations for an intersectional, trans, and sex worker inclusive approach.



Participants of the 6th European Transgender Council call for solidarity with sex-workers during the opening plenary









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