Sex Work & Racism

Community Report #1:
Historical Overview of Racism in
Anti-Sex Work, Anti-Trafficking, &
Anti-Immigration (ASWTI) Legislation

eswa

About ESWA

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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CN/TW: This paper includes discussion of racialised and gendered violence.

Introduction

Racialised people constitute an important yet frequently overlooked group of sex workers in Europe. The daily racism they experience is a result of European and North American chattel slavery, colonialism, and militarised prostitution. Under these systems, white European and North American men obtained uninhibited sexual access to enslaved and colonised people, particularly women (Kempadoo, 2001). Although chattel slavery has been abolished and many former colonies have liberated themselves, racist colonial structures, ideas, stereotypes, and practices continue to exist. For racialised sex workers, many of whom are (undocumented) migrants (Platform for International Cooperation on Undocumented Migrants [PICUM], 2019; Kempadoo, 2001), the racism and discrimination they experience is structurally rooted in a socio-political landscape that includes anti-sex work, anti-trafficking, and anti-immigration (hereafter, ASWTI) laws and policies.

This community report explores how racism is entangled in ASWTI legislation in Europe. To do so, the European Sex Workers' Rights Alliance (ESWA) conducted a literature review on the history of sexualised racism in the European context and racism in global and national sex work policies and laws. This community report is thus structured as follows: the first section explains how the sexual racialisation of non-Western peoples by European and North American powers was both a source and product of racism during chattel slavery, colonalism, and militarised prostitution. The following section then explores how sexualised racialisation and racism has influenced ASWTI legislation and policy. The final section presents concluding remarks and recommendations.

Background of sexualised racialisation under chattel slavery, colonialism and militarised prostitution

Before delving into how racism is embedded in current ASWTI laws, it is first necessary to understand how certain communities have been sexually racialised throughout history. Historically, racialisation has always been sexual in nature, due to the importance placed on marriage and reproduction in maintaining racial order (Stoler, 1989), and because 'sexism was an integral part of the social and political order white colonizers brought with them from their European homelands' (hooks, 1981, p. 15). This sexual racialisation, which is grounded in sexism and classism, became the foundation for racist ideas and stereotypes - that simultaneously produced and were reproduced - by chattel slavery, colonalism, and militarised prostitution (Hernández, 2020; Kempadoo, 2001; Stoler, 1989).

Key Terms

Racialisation:

The process of categorising, 'othering,' and marginalising groups based on race through various social practices, tools, and systems (Equinox Initiative for Racial Justice [Equinox], 2021). Sexual racialisation, or racialised sexuality, refers to the attribution of race to certain sexual behavior and characteristics (Hernández, 2020).

Colonialism:

Western European conquest and control over American, Asian, African, and Pacific territories (Meiu, 2015).

Chattel Slavery:

The Euro-American Trans-Atlantic trade of enslaved Africans and people of African descent throughout the fifteenth through nineteenth centuries (Adi, 2012). Under this system, enslaved Black people were dehumanised as 'property' or 'chattel' to be traded and sold (Collins, 2004).

Militarised prostitution:

The establishment of local women in organised prostitution around primarily North American and European military bases in non-Western countries (Kempadoo, 2001).

During the period of chattel slavery between the fifteenth and nineteenth centuries, white Europeans and North Americans used gendered violence to assert their dominance over enslaved Africans and indigenous people in their newly invaded territories. Violence was used to distinguish the racial colour line[1] and maintain white supremacy.[2] For enslaved Africans, especially women, this violence frequently took the forms of institutionalised rape, forced childbearing, and medical experimentation, which were purposefully used as control and terror mechanisms (Collins, 2004; hooks, 1981). According to Associate Professor Mireille Miller-Young (2014, p. 33), white men justified the sexual exploitation of Black women under chattel slavery, by arguing that Black women were willing participants because they were naturally 'lasvicious' and had 'relaxed morals.' The sexual abuse of Black women was also framed as necessary for protecting white female chastity. By raping enslaved Black women, white Europeans and North Americans not only ensured the growth of their human workforce - since enslavement was legally inherited through the mother (Miller-Young, 2014) - but it also maintained the purity of white womanhood. They also purposefully and violently reproduced mixed-race enslaved children because they preferred their lighter complexions (Banks, 2000). Black men, stereotyped as rapists, were considered to be threats to white womanhood, and thus the white race and its future generations (Collins, 2004). These racist stereotypes of Black men and women disgracefully persist today, as well as the anti-Black discrimination established during chattel slavery.

Beginning in the sixteenth century under colonialism, Western European men also sought to control and subjugate local people in the colonies through racialisation. This entailed 'constructing categories, legal and social classifications designating who was 'white,' who was 'native,' who was considered deserving of citizenship, and whose children were deemed legitimate (Stoler, 1989, p. 635). Sexuality and sexual relations of both Europeans in the colonies and colonised people were thus heavily scrutinised and regulated under colonial rule (Mieu, 2015). In addition to marriage, sex work and concubinage were particularly controlled by European colonialists. French colonialists, for example, did not want to marry colonised women from North Africa but still believed they had a 'sexual right' to them, and therefore regularised prostitution under French colonial rule (Tauraud, 2019). Colonial Britain also regulated prostitution in British India with the Cantonment Act in 1864, which organized prostitution around brothels settled around military barracks. As prostitutes were considered vectors of disease, they were also subjected to mandatory sexual health checks (Tiquet, 2020).

European colonial powers also relied on concubinage with local colonised women to ensure sexual access to the racialised 'other' while

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1. See BLACKPAST (2020) and Jung (2017) for more information on the global colour line.
2. See Schofield (2021) for more information on white supremacy.

also maintaining racial order. Ann Stoler explains that concubinage is a contemporary term, defined as the extramarital cohabitation between European men and colonised (Asian) women that afforded sexual access to non-European women, their labour, and their children (Stoler, 1989). The Dutch East Indies Company, for example, purposefully restricted the immigration of European women to the colonies for 200 years after 1622. It did so to avoid paying European recruits for the labour that local women did instead, as well as to establish concubinage between European men and local Asian women, which was considered to benefit political order and health in the colonies. 'Unlike prostitution, which could and often did result in a population of syphilitic and therefore non-productive European men', Ann Stoler explains, 'concubinage was considered to have a stabilizing effect on political order and colonial health' (Stoler, 1989, p. 637).

Dutch and British colonial governments officially prohibited concubinage in the early twentieth century, but the practice remained commonplace and was tolerated until large numbers of European women began to inhabit the colonies. Concubinage frequently resulted in mixed-race children, who were considered threats to colonial division and white European hegemony, and the presence of white women in the colonies garnered stricter racial divides. These European women, charged with the responsibility (and burden) of maintaining a healthy colonial family, were protected in order to uphold racial purity, especially among their children. Because of this, men of colour in the colonies were considered sexual threats, a harmful image still present today (Bonjour & Bracke, 2020). And while raping a white woman was a punishable offense in colonial law, 'sexual abuse of black women was not classified as rape and therefore was not legally actionable, nor did rapes committed by white men lead to prosecution', Stoler (1989, p. 644) tells us. At the same time as White Europeans considered colonised men as hypermasculine, they also constructed certain racialised men as not being masculine enough, to deter white European women from having sexual relationships with them (Tauraud, 2019). In addition to controlling heterosexuality, European colonalism also subjugated homosexuality and erased queerness in the colonies through anti-sodomy laws. These laws criminalised cisgender men who had sex with other men (Ahmadi, 2015; Kalende, 2014) and trans women (Parsons, 2021), and were used to justify and enforce violence against them.

Beginning in the eighteenth and nineteenth centuries, European colonial powers also named what is currently known as the Middle East and (East) Asia as the 'Orient.' According to Edward Said (1979), through Orientalism, this part of the world (and the people who came from it) were constructed in the European imagination as opposite and inferior to Western Europe and Europeans. Unlike Europe, with its social codes of implied decency and sexual propriety, the 'Orient' was associated with sexual freedom and degenerative excess, and conjured images of the erotic 'other' (Said, 1979,

p. 190). 'Oriental'[3] women were often featured as subjects of 'male power-fantasy' in Orientalist literature, and 'Oriental' people were not considered citizens or even human, but rather 'problems to be solved or confined or–as the colonial powers openly coveted their territory–taken over' (Said, 1879, p. 207). Orientalism may have originated in the colonial mind, but it persists today in Islamophobia against Arab and Muslim people, particularly women (Equinox, 2021). Moreover, while many former colonies have since liberated themselves, Europe maintains a neo-colonial relationship with countries in the Global South (Cameron & Islam, 2021; Poplak, 2018).

Sexual racialisation has also taken place through the presence of North America - primarily the United States - and European military in 'Other' Non-Western countries, especially in Asia and the Pacific, and by establishing militarised prostitution in these areas. As Kamala Kempadoo (2001, p. 30) states, 'In India, Hawaii, Vietnam, the Philippines, Japan, and Korea, the operation of foreign–colonial, imperial, or Allied–troops at various times in history has produced particular forms of prostitution where the military, often in collusion with the local state or government, tolerated, regulated, or encouraged the provision of sexual services by local women to the troops.' This phenomenon has also taken place in the Caribbean, such as in Trinidad, Curacao, Belize, Puerto Rico, and Cuba, and in African countries, like the Congo and Sierra Leone (Kempadoo, 2001, p. 30). The emergence of militarised prostitution strengthened the sexual stereotypes applied to racialised women, such as the archetype of 'the Southeast Asian prostitute whose femininity is characterized by a machine-line sexual drive and performance of eroticized poverty' (Hwang and Parreñas, 2021, p. 571). During militarised prostitution, foreign European and North American powers sexually racialised local women to justify their subordination and the subordination of their countries.

Thus far, we have explored the long and violent history of Western European and North American chattel slavery, colonalism, and militarised prostitution. The lineage of such violence lives on, and permeates present-day social structures and institutions that still marginalise racialised people, especially women, who 'continue to be overrepresented globally in ''body-work'-as sexual, domestic, and un- or semi-skilled manual workers' (Kempadoo, 2001, p. 40). These systems also influence our current-day understandings of who, based on race - as well as other intersecting experiences of gender, ability, migration status, class, and sexuality - is considered desirable and valuable, in need of 'saving,' and worthy of rights and respect. In the following section, we will explore the ways that this legacy can be seen within legislation.

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3. This was a contemporary term that is now considered outdated and offensive when used to describe people of Asian and Pacific descent.

Types of Racism[4]

Afrophobia and anti-Black racism: racism, often manifested through structural discrimination, against people of African descent and Black people. It aims to dehumanise and strip Black people of their humanity as a group. (European Network Against Racism [ENAR], n.d.-d).[5]

Antigypsism/anti-Tsiganism/ Romaphobia: racism directed towards Roma people and social groups stigmatised as 'gypsies'[6] , also known as 'Anti-Romani sentiment'. In Europe, Roma, along with Jewish people, have historically faced the most discrimination and negative stereotyping. The EU uses 'Roma' as an umbrella term to include groups of people who share cultural characteristics (ENAR, n.d.-e).[7]

Anti-Semitism: racism against Jewish people and people perceived as Jewish, as well as Jewish institutions, communitues, culture, properties, and, in certain cases, the State of Israel as a Jewish collectivity (ENAR, n.d.-f).[8]

Islamophobia: racism directed towards Muslim and people perceived as Muslim, who are racialised based on characteristics considered genetic (ENAR, n.d.-g). It frequently manifests through a preoccupation with violence against Muslim women, supposedly symbolized by the hijab and burqa, a harmful discourse that parallels the victimization of sex workers (Stenvoll & Jacobson, 2010).[9]

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4. This is not an exhaustive list of all the racially hated and discriminated groups in Europe and Central Asia. It does not, for example, include anti-Asian racism, which has become more visible in Europe since the wake of the global Covid-19 pandemic (Song, 2021).

5. See ENAR (n.d.-a) for more information on afrophobia.

6. This is a derogatory term for Roma people in many languages.

7. See ENAR (n.d.-b) for more information on antigypsyism.

8. See ENAR (n.d.-c) for more information on antisemitism.

9. See ENAR (n.d.-h) for more information on islamophobia.

Racism in anti-trafficking, anti-sex work, and anti-immigration legislation and movements

After the abolition of chattel slavery in the late-nineteenth and early twentieth century, a class, race, and gender-based moral hysteria took root in Western Europe and North America. This frenzied panic over sex work and human trafficking, led to the passing of ASWTI laws, as poor and working-class women began migrating en masse across borders to find work and in pursuit of a better life. Some women also migrated in search of independence outside of traditional marriage structures, and may have engaged in sex work in order to do so. A consequence of this is that immigrant women were branded as 'coerced, deceived, lured, trapped, kidnapped, and forced into prostitution,' which was used to explain the supposedly sexually deprived 'and uncivilised character of (im)migrant communities' (Kempadoo et al., 2012, p. xii). This image was used to justify anti-immigration policies, often in the guise of anti-trafficking policy, and vice versa, in a bid to continue racial segregation in Europe and North America (Kempadoo et al., 2012).

The moral panic over (im)migrant women and human trafficking took on a different kind of racialisation in nineteenth century narratives of the 'White Slave Trade,' where migrant men of colour from the Global South residing in the Global North were supposedly enslaving white Western European and North American women into prostitution (Kempadoo et al., 2012). Mostly white, middle-class Western European and North American feminists, who viewed themselves as 'saviours', saw it as their duty to 'save' their 'fallen sisters' and furthered a 'rescue industry' (Agustín, 2007) that ended up harming migrant women more than helping them (Kempadoo et al., 2012). The United Nations was one of the first global powers to adopt policy intended to curb 'white slavery,' and it established the International Agreement for the Suppression of the 'White Slave Traffic' on May 18, 1904. The Agreement refers specifically to women and girls, and mandated that governments surveil transportation for trafficking victims and their traffickers and repatriate foreign prostitutes to their home countries.[10]

In the United Kingdom, 'white slavery' legislation was passed in 1885 and 1912 and established the means to surveil and restrict women's migration (Mac & Smith, 2018). And in the United States, a racialised moral panic

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10. To read the International Agreement for the Suppression of the 'White Slave Traffic,' see United Nations (1905).

around 'yellow slavery'[11] is evident in the Page Act, which was the first anti-immigration legislation enacted. The Page Act intended to curb Chinese immigration and reinforce the sexual racialisation of Chinese women as 'diseased and immoral prostitutes' (Hwang and Parreñas, 2021, p. 571). Lorelai Lee states that, 'By 1875, the narrative that Chinese immigrants had reintroduced slavery through the U.S. through 'coolie'[12] labour and prostitution had taken hold in the federal government,' resulting in the passing of the Act that year. The Page Act was explicitly anti-prostitution as well, since it 'prohibited the 'importation into the United States of women for the purposes of prostitution' and the entering by immigrants from China, Japan, or 'any Oriental country' into a contract for 'lewd and immoral purposes'' (Lee, 2021, p. 1220). Despite this immigration ban, panic over 'yellow slavery' continued, with one of the earliest Christian 'rescue' homes being founded in San Francisco's Chinatown. Once inside the home, these women were forbidden from leaving without permission, had limited contact with outsiders, and their mail was read by mission staff. In addition, they were subjected to feminised labour, such as sewing, which the missionaries believed would civilise them (Lee, 2021, p. 2021-2022).

The moral panic over sex work and human trafficking somewhat subsided during World War II, when women in Europe and North America were pushed back into the home while men enlisted, but it re-emerged again during the 1970s. After the fall of the Soviet Union in the early 1990s, panic over 'white slavery' emerged once more (Lee, 2021), and by 2000, 'sex trafficking' had become the new buzzword. The early 20th century abolitionist movement, which was made up of primarily radical feminists[13] from the Global North, heavily influenced the passing of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children - also known as the Palermo Protocol - which was passed in 2000. The Palermo Protocol marked the definition of trafficking as an international crime, and the tightening of international borders, with increased scrutiny on migration and sex work (Kempadoo et al., 2012).

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11. The term 'yellow slavery' here is used to highlight the racist dimensions of the moral panic over Chinese sex workers. While 'yellow' was a contemporary term, it is now considered a racist and derogatory way to refer to people of East Asian descent.

12. 'Coolie' is a derogatory term that was used bureaucratically by colonial governments to refer to indentured labourers from Asia (Gandhi, 2013).

13. Radical feminists believe that all forms of sex work, whether they are consensual or not, constitute gender-based, male-perpetrated violence against women and are therefore a form of rape. They do not view sex work as work, and instead conflate it with trafficking (ESWA, 2016). They also exclude trans people from their feminism, and falsely claim that trans women threaten the safety of cis women and that trans men are lesbians fallen 'victim to the patriarchy' (Burns, 2019).

As it stands, there is currently no legally-binding sex work policy that exists among EU Member States and the Council of Europe; countries are free to individually choose which sex work laws to adopt and enforce. However, from 2014 the EU strengthened their stance towards criminalising clients. On February 2014, 'the European Parliament voted in favour of a non-binding resolution on prostitution and sexual exploitation...that encouraged member states to adopt laws criminalizing the purchase of sexual services' (ESWA, 2016b, p. 11) Furthermore, in 2014, the Parliamentary Assembly of the Council of Europe established the 'Prostitution, trafficking and modern slavery in Europe' resolution, which encourages countries to adopt the Swedish model, because it is argued to have a positive impact on diminishing trafficking (ESWA, 2016b), despite research showing that it puts people in more vulnerable and violent situations (Vanwesenbeeck, 2017). On a national level, European countries have each adopted their own individual ASWTI laws and policies, tending to follow either criminalisation, partial criminalisation, or legalisation.[14]

The Swedish Model

In 1999, the Swedish government, heavily influenced by radical feminists, implemented the Sex Purchase Act and criminalised the purchase of sexual services. In addition to attempting to eliminate sex trafficking, the Act also hoped to limit the presence of migrant sex workers (Jordan, 2012). Fuckförbundet (a sex worker association in Sweden) reports that non-EU migrants, many of whom are racialised and comprise the majority of sex workers in Sweden, can be denied entry and deported if suspected of engaging in sex work. The Swedish model has since been established in Norway, Iceland, France, Ireland, Northern Ireland, and Canada, and has also been encouraged by the European Union and the Council of Europe (Fuckförbundet, 2019).

14. For more information on ASWTI laws and policy in Europe and Central Asia, see di Nicola (2021), SWAN (2019), and ESWA (2016).

Legalisation in the Netherlands

In 2000, the Netherlands established a system of legalisation and licensing around sex work when it repealed its ban on brothels, which had been in place since 2011. This new sex work policy was entwined with immigration politics, and highlighted Christian concerns over foreign women attracted to the Netherlands for its reputation for tolerance. In establishing legalisation, the Dutch government made it illegal for people from non-EU and non-European Economic Area countries to work in licensed sex work through labour laws, such as the Law Regulating Work for Aliens, and anti-trafficking laws, like in the Criminal Code Trafficking Clause (Wagenaar, Amesberger, & Altink, 2017).

Today's ASWTI activist movements are dominated by morality politics (Wagenaar and Altink, 2012), and are still led by radical feminists from the Global North. Radical feminists are also referred to as neo-abolitionists, because of how they conflate sex work as 'modern slavery' (Kempadoo, 2015, p. 10). The neo-abolitionist discourse employed by wealthy white feminists is used to justify further legislative change that would directly impact the most marginalised of women. It obscures the current power structures and anti-Black racism - that as we have seen stems from chattel slavery - that continues to harm Black sex workers (Kempadoo and Durisin, 2020). Neo-abolitionism also tends to uncritically align with carceral feminism, which advocates for increased policing and punishment as the solution to violence against women. This approach ignores the ways that intersectional oppressions like racism, classism, sexism, whorephobia, transphobia, and xenophobia make racialised sex workers more vulnerable to criminalisation and violence (Equinox, 2021).

In addition to their neo-abolitionist and carceral feminist components, current anti-sex work and anti-trafficking campaigns also exert Western patriarchal 'humanitarianism' onto sex workers, particularly those from the Global South. It has become the 'white (wo)man's burden' to save

non-Western and racialised people (Kempadoo & Durisin, 2020). This humanitarianism has been exhibited by numerous celebrities famous in the West (Kempadoo, 2015), but also by humanitarian institutions and non-government organisations (Mai, 2018), who have used their platforms to call attention to the supposedly ubiquitous abuse of mostly girls and women in sex work as 'modern-day slavery.' The cause is further promoted by selling items, such as goods made from the hands of 'victims' themselves (Bernstein, 2010).

Not only do these projects fail to uplift and empower racialised sex workers and survivors out of exploitative and violent situations, they neglect the fact that sex workers make rational choices for themselves, even if those choices are made in restrictive circumstances. Feminist humanitarian projects also also ignore the structural conditions that lead to the inequality that labour exploitation thrives on. Furthermore, neo-abolitionists fail to acknowledge how anti-trafficking organisations accumulate wealth off this inequality, by perpetuating racist notions that racialised sex workers, especially those from the Global South, are helpless and in need of saving by white nations and their supposed benevolence and generosity (Kempadoo, 2015). In effect, these enterprises are for the privileged few; the 'rescue mission' becomes a transformative journey, through contact with the racialised 'other,' and provides the 'rescuer' with satisfaction that is fostered through the rescue process (Kempadoo, 2015, p. 14). In other words, this 'humanitarianism' allows predominantly white and Global North individuals, organisations, and institutions to feel like they are doing something good for 'sexually exploited women' without addressing or correcting the harmful institutions, policies, and practices, built on racism, classism, xenophobia, whorephobia, and transphobia, and other systems of oppression, that put racialised and migrant sex workers at risk of discrimination and violence.

Lastly, it is important to note that laws criminalising slavery, rape, and other forms of violence and exploitation already exist throughout Europe. Thus, ASWTI laws and policies have little to do with protecting sex workers from exploitation and improving their working conditions. Instead, they point more towards governments' and radical feminists' anxieties and their need to control and prohibit unwanted groups of people that are deemed threats to social and moral order. Racialised sex workers, especially those who are trans and/or (undocumented) migrants, become collateral damage in an ideological fight against sex work that has dangerous, if not deadly, consequences in real life.

Conclusion and Recommendations

This report has explored the ways that racism is embedded in ASWTI legislation and policy in Europe. The first section of this paper was devoted to charting the history of racialisation and racism as both a product and effect of European and North American chattel slavery, colonisation, and militarised prostitution. Racialisation maintained a sexual component during these three systems because of the importance placed on heterosexuality in upholding racial purity and Western white supremacy. During chattel slavery in the fifteenth through to the nineteenth centuries, white Europeans and North Americans justified their extreme (sexual) violence against enslaved Black people; they argued that Black men were rapists and threats to white womanhood, and that Black women were willing sexual partners because they were considered to be naturally predispositioned to wanting sex. Since the beginning of European colonalism in the sixteenth century, colonial powers heavily regulated sexual relationships between the colonisers and the colonised, and established systems of prostitution and concubinage in the colonies. They did so to grant unfettered sexual access to local colonised women, whom they believed they had a natural right to, and to fortify the racial divide and colonial power. European (and North American) powers institutionalised sexual access to local non-Western women through militarised prostitution, which still takes place. This practice strengthened racist sexual stereotypes of local women that were used to justify their sexual subjugation and the militarised subjugation of their countries. Many of the racist ideas and practices established during chattel slavery, colonialism, and militarised prostitution continue to harm racialised sex workers today in Europe.

The second section of this paper looked at the entanglement of racism in ASWTI laws, policies, and activist movements. Beginning in the nineteenth century, white Western feminists planted the roots of a movement that intended to abolish sex work, by conflating consensual sex work with human trafficking, and 'saving' sex workers. These neo-abolitionists relied on the same racist sexual stereotypes of racialised people discussed in the previous section. Over the years, this ASWTI movement has produced various international and national laws and policies around sex work and trafficking that were motivated by xenophobic and racist politics against (im)migration. Within the current ASWTI activist movement, white Western radical feminists continue to infantilise and stereotype racialised sex workers through a one-sided victim discourse and carceral politics guised as 'humanitarianism.' Their

understanding of what constitutes 'good' work, what is exploitation and what is gendered violence is far too simplistic, and fails to acknowledge the agency of racialised sex workers and the racist systems, structures, and practices that can push them into harmful situations. The result of racist ASWTI laws and policies is that racialised sex workers, especially those who are trans and/or migrants, in Europe today face significant risks of criminalisation, marginalisation, and violence.

We now provide crucial policy/political recommendations, which ESWA believes will help eradicate the violence experienced by racialised sex workers.

General Recommendations

- **Decriminalise sex work.** Decriminalisation will not eliminate all of the violence racialised sex workers might face in their work, but it will enable them to access support from healthcare providers, law enforcement, and other government services if they do. Since many racialised sex workers in Europe and Central Asia are also migrants, it is imperative that migrant sex work is also decriminalised so they, too, will receive proper support and protection.

- **Refrain from binary definitions of oppression and empowerment.** Binary definitions of oppression and empowerment are harmful because they overlook the diverse range of experiences and identities among racialised sex workers. Sex work laws and policies that rely on this binary fail sex workers and survivors by criminalising or ignoring the many sex workers who do not clearly fit one side or the other.

- **Adopt an intersectional approach to combatting exploitation and violence against racialised sex workers.** Intersectionality is a theoretical concept, analytical approach, and legal and policy tool that encapsulates the interwoven layers of advantages and disadvantages that people experience under social structures and systems, including but not limited to racism, sexism, classism, ableism, homophobia, and transphobia (Center for Intersectional Justice [CIJ], 2020). It is necessary to recognise how systems of oppression are interlinked and compounded by each other and harm racialised sex workers through discriminatory and violent laws, institutions, and social practices. It is also useful to understanding levels of privilege that people benefit from depending on characteristics like race, ability, migrant status, gender, sexual orientation, and more.[15]

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15. For more about intersectionality in Europe, see the Center for Intersectional Justice (CIJ, 2020).

- **Adopt an anti-racist approach to combatting exploitation and violence against racialised sex workers and survivors.** This entails addressing racist and xenophobic ASWTI legislation and policies and their effects on racialised sex workers. This also requires adopting an intersectional approach to understanding how certain groups of racialised people are criminalised and marginalised under current ASWTI laws and policies. Furthermore, it necessitates not just listening to, but also believing, racialised sex workers and their experiences and consulting them as experts.

Recommendations to the European Commission

ESWA calls on the Commission to adopt an intersectional approach by centring the views and perspectives of those at the margins of various forms of discrimination. In particular, ESWA calls on the Commission to:

- Recognise that structural and intersectional discrimination is both a cause and consequence of why racialised people engage in sex work. The issue of sex workers rights thus clearly falls under the commitment to achieve 'Union of Equality,' as articulated by president von der Leyen.

- Conduct evidence-based evaluation on the effects of ASWTI policies and laws on sex workers' human rights using an intersectional lens.

- Conduct this evaluation with meaningful inclusion of sex workers from different backgrounds – including refugee, migrant, precarious, LGBT+, racialised, street-based sex workers, and/or those working online. Use this evaluation for the review of EU policies, in particular EU Anti-trafficking Directive, Victims' Rights Directive and proposed Violence against Women Directive.

- Address violence against racialised sex workers by prioritising an intersectional approach. ESWA welcomes the Commissions' proposal on the Violence against Women Directive. Policies must recognise the harms of intersecting structures of discrimination against sex workers and be informed by the concerns and experiences of marginalized people.

- Integrate intersectionality in all existing Unions' Equality Strategies and Action Plans and to move beyond a 'single-axis' view of equality and prioritise the intersections with race, class, disability, gender identity, and migration status in its gender equality work (Equinox, 2021).

- Establish a concrete framework for the rights and protection of racialised sex workers by meaningfully including them in the development of said framework.

- Through the EU funding (CERV programme), support measures and strategies that are based in harm reduction and community interventions, and that tackle the discrimination and stigma racialised sex workers face; when trying to access funding, housing, healthcare, education, and other services. ESWA is strongly concerned and disagrees with the decisions of the evaluators of the CERV programme that ESWA's work 'is not fully in line with the priority of the call for proposals with respect to promoting equality, preventing and combating discrimination'. We believe this statement only illustrates how narrow the understanding of promoting equality and combatting discrimination at the EU level currently is and how it fails sex workers in the most vulnerable positions.

- Rethink the concept of intersectionality into all EU policies. ESWA particularly calls to recognise how groups in vulnerable situations, such as racialised sex workers, are at a heightened risk of violence. This is due to intersecting forms of discrimination exacerbate the consequences of gender-based violence, as well as the increasing power of law enforcement granted through ASWTI policies and practices.

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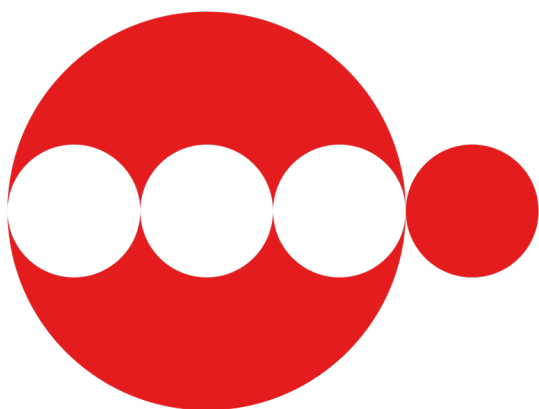
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