

SUMMARY

Overview of the  
situation with  
sex workers' rights

## Violations of sex workers' rights

In regard to the rights of sex workers, in 2018 the Coalition Margins **documented 100 cases of violations of sex workers' rights**. Most documented cases were in **Skopje (39), Gostivar (34), Struga (10) and Strumica (10), while fewer cases were documented in Tetovo (2) Ohrid (3) and other cities**. Most cases **(34) occurred in the homes of sex workers, due to the large number of domestic violence cases**. This means that sex workers are not safe even in their own homes. 18 of the documented cases occurred in the open, while 22 in closed spaces, 11 of which in apartments and hotel rooms, while 10 in catering industry businesses. Even though the open scene is considered the most secure, sex workers working in closed buildings, such as cafes and clubs, mostly in the Polog region, are exposed to violence by owners and guests in those businesses, while police raids also have a negative impact on safety.

**Table No. 1 Documented cases divided by location of occurrence**

<b>1.</b>	<b>Open scene</b>	<b>18</b>
1.1.	Closed scene - apartments, hotel rooms	12
1.2.	Closed scene - catering industry businesses	10
<b>2.</b>	<b>Closed scene total</b>	<b>22</b>
<b>3.</b>	<b>Clients' cars</b>	<b>2</b>
<b>4.</b>	<b>Own home</b>	<b>34</b>
<b>5.</b>	<b>Public facilities</b>	<b>7</b>
5.1.	Other - on the street	9
5.2.	Other (on social networks, on the phone etc.)	8
<b>6.</b>	<b>Other</b>	<b>17</b>
	<b>Total</b>	<b>100</b>

Sex workers in the open scene, more than those in the closed scene, are frequently victims of violence by middlemen or local thugs which beat them, mistreat them, steal from them and sexually harass them. **A total of 30 cases of violence towards sex workers by middlemen or third parties were documented**. Out of these, 4 cases involved documented rape of sex workers by middlemen and other third parties, which are frequently accompanied by brutal physical violence, death threats and robbery. There were 11 cases of documented physical violence by middlemen and other people, while there were 12 cases of verbal and psychological violence. Gender-based hate violence is documented in several cases where sex workers were victims of verbal and physical violence by groups of adult men, which performed the act only because the women are sex workers.

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In one case in Struga, while the sex worker stood on the street waiting for clients, three men started insulting and ridiculing her. The victim started walking quickly to get away from them, but one of them pulled her and the other one lifted her dress. They only ran away after she started screaming loudly.

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**Sexual exploitation was documented in 4 cases**, in two of which the victims were foreign nationals. Sexual exploitation is characterized by forcing a person to do sex work, full control over their earnings and movement, accompanied with all forms of violence. The perpetrators in these cases are the middlemen, which are sometimes extramarital partners of the sex workers. In all cases we are speaking of sex workers who do sex work voluntarily, however, due to their vulnerable position, unsafe working conditions, lack of access to protection mechanisms such as the police, they become victims of exploitation.

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In one case, a migrant sex worker with a temporary stay permit was a victim of sexual exploitation by the middleman and extramarital partner. She had been locked in a motel room for a week, where she was forced to perform sex services, while the middleman collected all the money. After a week she managed to escape and received support from other sex workers.

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**A total of 62 cases of problems with clients were documented**, which range from non-payment to terrifying forms of physical and sexual violence, which resulted in serious damage to the sex workers' health, and sometimes put their lives at risk. Apart from non-payment problems (11 cases), sex workers also face theft by clients (4 cases), where the clients use threats and violence to take away the money and phones of sex workers.

There are **14 cases of documented physical violence by clients, as well as 9 cases of rape**. The clients do not respect the agreement on the type of sex service, therefore when the sex workers realize this, they try to oppose, which most frequently ends in physical violence and rape.

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In one of the cases, the sex worker waited for her client in a motel room, but when he arrived, she realized he was under the influence of alcohol and drugs, and she tried to leave. Instead of respecting her will, the client raped her.

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**Trans women and sex workers who use drugs are even more exposed to violence and marginalization.** In 4 of the documented cases (3 of physical violence and 1 of rape with brutal physical violence), the drug use affected their exposure to violence. A total of 26 violations of the rights of trans women sex workers were documented. Trans women as sex workers face additional hate violence due to their gender identity, which also occurs in the open.

A client has agreed on another type of service with the trans woman, but he forced penetration by threatening to kill her. The sex worker accepted because the client also had a gun.

**A total of 38 cases of domestic violence were documented, where the victims were sex workers.** Apart from 4 cases where the perpetrators are other family members (parents and children), in most cases the perpetrators are extramarital partners, spouses and former spouses. The profession is an additional risk of domestic violence because sex workers do not have their partners' support to do sex work, due to which they endure violence. Sex workers who have children often face threats by their partners to have their children taken away, because they believe sex work is a legitimate basis to entrust the children to the violent father. In some cases (8) economic violence was also documented, where sex work bothers violent partners, however, this is not an obstacle for them to take the sex workers' money away.

### Violence is rarely reported

Of all documented cases, **only 14 have been reported to the police, while in 5 no actions were taken**, i.e. there was refusal to protect the victim. Out of the cases reported to the police, 8 are cases of domestic violence, 3 cases of psychological and verbal violence by clients, threats and blackmail and 3 cases of violence by third parties.

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In one reported case there is verbal violence and maltreatment by guests in a pub toward trans women sex workers. One of the trans women went to the police station in Tetovo to report this, however, she faced unprofessional and degrading treatment. The police officer asked her "Are you a faggot?" and later said "What the hell were you looking for there", referring to the pub, and the trans woman realized they would not help her, so she left the police station.

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In **11 of the documented cases of physical and sexual violence, we have information that the victims did not even go to the doctor.** Despite the fact that these were cases of rape and serious physical injuries, the victims are afraid that if they go to the doctor, the health professionals will call the police. As one of the reasons for not going to the doctor they also listed their lack of health insurance.

**Police officers are perpetrators in the rights violations of sex workers**

A total of **22 rights violations of sex workers were documented where the perpetrators were police officers**. These violations were documented in 14 separate cases. In 5 cases there are rights violations due to police actions, as follows: illegal search, detention longer than 12 hours and telling sex workers they can be released if they sign a document without being allowed to read it. In 10 cases there was verbal and psychological violence (insults, ridicule and threats), **in 4 cases there was physical violence and in 5 cases there was sexual violence and harassment<sup>1</sup>, out of which in 3 cases there was documented rape of sex workers by police officers.**

Police officers perpetrators in the rights violations of sex workers		
1.	Violations of other rights during police procedures	5
1.2.	Illegal search	3
2.1.	Verbal and psychological violence	10
2.2.	Physical violence	4
2.3.	Sexual violence and harassment	5
2.3.1.	Rape	3

**Performing raids is only harmful for sex workers**

The Ministry of Interior published information that in 2018 there were “around 250 mostly dancers and singers discovered in 74 control actions, or twice as many in comparison to two years earlier”<sup>2</sup>. The consequences of raids are much more negative for the foreign sex workers than they are for the owners. The sex workers face deportation to their country of origin, while the police often mistreats them when performing raids. Out of the documented rights violations cases where the perpetrators are police officers, **4 cases occurred during raids. In one case, 6 sex workers were victims of all kinds of violence by the police.**

After entering the building, the police officers started insulting, ridiculing, pulling, kicking and slapping the sex workers. Then they pointed guns to their faces, touched them in intimate places and demanded sex services with no payment.

<sup>1</sup> There are usually all forms of violence within a case. For example, when performing a raid, the police officers insult, beat and sexually harass sex workers.

<sup>2</sup> “Twice the amount of arrests of women - foreign nationals in the Polog region in the previous year”, Telma, 3.2.2019.

In another case, a police officer raped a sex worker during a raid; he pulled her behind the building, and after raping her he threatened her that if she speaks of it, she would have to move out of Gostivar.

Such raids are performed in the Polog region years in a row, and they are obviously not achieving their goal. Many of the girls return to the Polog region to work in the catering industry businesses. The current situation only benefits the middlemen who own these locations, who get income from unpaid or underpaid work, pay no taxes (apart from occasional fines), abuse and exploit sex workers, while the police spends budget funds on raids that produce no results.

### Advocacy for decriminalization of sex work

On the occasion of the 10th of December, International Human Rights Day, the organizations working on promoting sex workers rights<sup>3</sup> organized a round table as part of the initial advocacy activities for decriminalization of sex work.

On the event, sex workers spoke of human rights violations and asked for decriminalization of sex work, in the example of New Zealand, which would provide protection against violence and discrimination, safe working conditions, enjoyment of workers' rights, as well as reduction of the stigma and prejudice toward this marginalized group.

The Minister of Labor and Social Policy also spoke on this event and pledged to make efforts for opening this matter of regulating sex work and that the needs and demands of the community itself would be placed at the forefront.

The International Day against violence toward sex workers, 17th of December, was once again marked by the March of the red umbrellas. Sex workers asked for decriminalization of sex work, as a regulation model which provides the most successful prevention and protection against violence and other human rights violations.

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<sup>3</sup> HOPS – Healthy Options Project Skopje, in cooperation with STAR – The first Sex Workers collective in the Balkans, Coalition Margins and SWAN – Sex Workers' Rights Advocacy Network, with support by Open Society Foundation – Macedonia.

## Recommendations

The Coalition Margins emphasizes the following priority recommendations for promoting the rights of sex workers:

- Relevant ministries should start working on reform proposals for regulating sex work in the example of New Zealand (decriminalization of sex work), while having in forefront the social, health, and labor aspects of regulating sex work and protection against violence and discrimination.
- Urgent changes should be made in regard to the unprofessional treatment of sex workers by police officers, by punishing police officers who have committed violence and other rights violations toward sex workers, and by performing education sessions for police officers.
- The Ministry of Interior should stop performing raids, which indirectly criminalize sex workers and incite violence and exploitation. The Coalition Margins demands that the Ministry of Interior issue working visas for foreign nationals, protection of their workers' rights and punishing the owners of catering industry businesses who violate such rights.
- Relevant institutions should make a greater part of their budget available to civil organizations providing direct services to sex workers, in order to increase the scope and to provide new services, according to needs.
- The media should create media content speaking of the needs and issues of sex workers, which shall contribute to the sensitization of the public and the promotion of the human rights of this marginalized group of citizens.