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Special Issue - COVID-19: Labour, Migration, and Exploitation

Editorial: Labour, Migration, and Exploitation during COVID-19 and Lessons (Not) Learnt

Thematic Articles

‘Inanimate Objects’: Human consequences of Australia’s commodified approach to migrant workers during COVID-19

‘The Pandemic Played a Cruel Joke on Us’: The vulnerabilities of Kyrgyz women migrant workers in Russia during COVID-19

No One Wants to Hire Us: The intersectional precarity experienced by Venezuelan LGBTQ+ asylum seekers in Brazil during COVID-19

Negotiating Multiple Risks: Health, safety, and well-being among internal migrant sex workers in Brazil during COVID-19

Are They Victims of COVID-19? The livelihood and quandaries of sex workers in the New Kuchingoro camp for internally displaced people in Abuja, Nigeria

Key Stakeholder Perspectives on the Potential Impact of COVID-19 on Human Trafficking for the Purpose of Labour Exploitation

‘Now More Than Ever, Survivors Need Us’: Essential labouring and increased precarity during COVID-19

Short Articles

Providing Services to Women in Situations of Prostitution and Human Trafficking during the COVID-19 Pandemic in Spain, Italy, and Portugal

Access Denied: Sex workers’ exclusion from COVID-19 relief in the United States

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ANTI-TRAFFICKING REVIEW

Special Issue

COVID-19: LABOUR, MIGRATION, AND EXPLOITATION

Issue 21, September 2023

The *Anti-Trafficking Review* (ISSN 2286-7511) is published by the Global Alliance Against Traffic in Women (GAATW), a network of over 80 NGOs worldwide focused on advancing the human rights of migrants and trafficked persons.

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The *Review* is primarily an e-journal, published biannually. The journal presents rigorously considered, peer-reviewed material in clear English. Each issue relates to an emerging or overlooked theme in the field of anti-trafficking.

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Editorial: Labour, Migration, and Exploitation during COVID-19 and Lessons (Not) Learnt

Annalee Lepp and Borislav Gerasimov

Abstract

This Editorial introduces a Special Issue of *Anti-Trafficking Review* on COVID-19 and its impacts on labour, migration, and human trafficking. It outlines some of the main challenges that internal and cross-border migrants faced during the pandemic, including closures of workplaces, deportations, lack of access to healthcare and social support, increasing xenophobia and racism, and more. It then presents a summary of the articles contained in the Special Issue and concludes with some broad reflections on the lessons (not) learnt from the pandemic.

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On 11 March 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a global pandemic. Over the subsequent two and half years, the world experienced successive waves of COVID-19 outbreaks and, in response, most governments imposed a range of measures to limit the spread of the virus, including the closure of or adaptations in workplaces and schools, shelter-in-place orders and physical distancing guidelines, restrictions on gatherings and domestic and cross-border movements, and mandatory quarantines for those allowed to enter the country. Amid this public health crisis, internal and especially cross-border migrant workers in both places of destination and origin were disproportionately affected in virtually all aspects of their lives.

While it is difficult to describe the full scale of the pandemic's impact or generalise its effects across all countries and regions of the world, it is still possible to provide a snapshot of some of the critical issues that emerged across selected geographical spaces in specific periods—all of which exposed how pre-existing structural vulnerabilities, precarities, and inequalities were exacerbated by the global public health crisis. This is what this Special Issue of *Anti-Trafficking Review* does, with a focus on the interface between COVID-19, migration, labour, and

exploitation. Below, we briefly outline some of the many challenges that migrant workers faced. Then, we introduce the articles in this Special Issue and conclude with some general observations about lessons (not) learnt during the pandemic.

Labour Migration Scenarios Under COVID-19

With respect to internal migrants, some of the most compelling stories in the first months of the pandemic surfaced in India when the Prime Minister gave a four-hour notice of a twenty-one-day nationwide lockdown on 24 March 2020, which was then consecutively extended to 30 May. Rajan and Bhagat describe the widespread panic that ensued among the approximately 140 million inter-state and intra-district migrant workers, largely concentrated in low-wage temporary, informal, and casual employment in such sectors as agriculture, mining, manufacturing, construction, domestic and service work, as well as brick-kiln and textile production:

The [...] national lockdown [...] sent panic among migrant workers who feared being stranded with no livelihood at the destination and without a way back home. The scenes of utter despair at New Delhi's busy Anand Vihar Inter-State Bus Terminal, where thousands of migrants thronged for days to board a bus or train home, were broadcast around the world. Similar scenes were seen in places like Mumbai as well, as panic took hold during the continued lockdown. Many migrants felt they had no choice but [...] to travel by foot, with tragic consequences [...].¹

¹ S I Rajan and R B Bhagat, 'Internal Migration and the Covid-19 Pandemic in India', in A Triandafyllidou (ed.), *Migration and Pandemics: Spaces of solidarity and spaces of exception*, Springer, Cham, 2021, pp. 227–248, p. 232, https://doi.org/10.1007/978-3-030-81210-2_12. Some scholars note that stories about the struggles of Indian internal migrant workers during COVID-19 tended to focus on migrant men and invisibilised or trivialised the experiences of women migrant workers, primarily due to the assumption that the latter migrate solely as 'part of marriage or associational migration'; the struggles of trans and queer communities were 'totally absent from the COVID-19 narratives.' See S I Rajan, P Sivakumar, and A Srinivasan, 'The COVID-19 Pandemic and Internal Labour Migration in India: A "Crisis of Mobility"', *The Indian Journal of Labour Economics*, vol. 63, 2020, pp. 1021–1039, <https://doi.org/10.1007/s41027-020-00293-8>; K Saldanha, C D'Cunha, and L Kovick, 'India's Internal Migrants and the First Wave of COVID-19: The invisibility of female migrants', *Asian Journal of Social Science*, vol. 51, issue 2, 2023, pp. 116–122, <https://doi.org/10.1016/j.ajss.2023.02.001>.

As various scholars have noted, the Indian government did introduce a series of assistance measures, including for internal migrant workers, and receiving and sending state governments, NGOs, and humanitarian organisations, in the face of a ‘massive logistical challenge’, worked to provide stranded, transiting, or returning migrant workers with basic necessities (in the form of shelter homes and relief camps, food, etc.).² This unprecedented public health and humanitarian crisis, however, exposed the extreme vulnerability of this segment of the Indian labour force. For example, those who remained in large urban centres faced loss of or reduced income and were at high risk of infection due to congested living conditions; those who returned to their home villages were scapegoated as potential carriers of infection and targeted by police and locals; and ‘in the absence of proofs of identity and residence, internal migrants are unable to claim social protection entitlements and remain excluded from government-sponsored schemes and programs.’³ Finally, as Rajan and Bhagat emphasise, even though internal migrant workers’ casual, informal work is essential to India’s urban and rural economies, ‘their welfare has often been relegated to the periphery of policy discussions’ and they ‘are precluded from the country’s already flimsy welfare mechanism’, which has resulted in calls for inclusive migration policies, particularly in relation to access to social protections, housing, and healthcare.⁴

Transnational migrant workers, and especially those working in low-wage and informal sectors, were profoundly affected by restrictions on cross-border movements combined with the closure of or limits on access to workplaces. Those who were stranded and unable to return to their home countries had to contend with various challenges, including layoffs, wage theft, visa issues, limited or no access to social security and healthcare, the inability to send much needed remittances to their families, and COVID-19 related stress.⁵ Others lived in

² R Suresh, J James, and B R S.j, ‘Migrant Workers at Crossroads – The Covid-19 pandemic and the migrant experience in India’, *Social Work in Public Health*, vol. 35, no. 7, 2020, pp. 633–643, <https://doi.org/10.1080/19371918.2020.1808552>; Rajan and Bhagat, pp. 231–242.

³ Suresh *et al.*, pp. 638–639. As Rajan *et al.* stress, ‘Many migrants remain excluded from various government schemes due to their “neither here, nor there” status’, p. 1036. See also A Dhillon, “‘They are Invisible’: The migrant workers struggling in the wake of India’s Covid response”, *The Guardian*, 22 November 2022, <https://www.theguardian.com/global-development/2022/nov/23/india-migrant-workers-work-unemployment-jobs-covid-pandemic>.

⁴ Rajan and Bhagat, p. 239. See also Rajan *et al.*, 1034–1039.

⁵ See, for example, Migration Data Portal, *Migration Data Relevant for the COVID-19 Pandemic*, IOM GMDAC, Berlin, 11 July 2023; ILO Brief, *Experiences of Migrant Workers during COVID-19 in ASEAN Countries: Rights at work, migration during the pandemic, and remigration plans (Second assessment)*, June 2021, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_816428.pdf.

precarious conditions in labour camps or cramped dorm-like accommodations without proper hygiene or the capacity to properly socially distance; hence, they were at very high risk of infection.⁶

Migrant domestic and care workers, the vast majority of whom are women, faced specific challenges, including increased labour demands and loss of freedom. In Canada, for example, the Landed Status Now Working Group of Migrant Rights Network documented the experiences of migrant care workers mainly from the Philippines, Indonesia, India, Kenya, and Jamaica, most of whom had been issued employer-restricted, 24-month renewable work permits as temporary foreign workers. Many of the approximately 25,000 documented and undocumented migrant care workers in Canada live in the employer's home to care for children or sick or elderly people and attend to household tasks. Based on a survey of 201 migrant care workers, one in three temporarily or permanently lost their jobs, which meant not only loss of income but also loss of housing which required them to find temporary housing or move into shelters. Like domestic workers in the United States and some European countries,⁷ they cited difficulties accessing the available income supports. Those who continued to work indicated they experienced enormous labour intensification and longer work hours; wage theft in that they were not paid for overtime hours; stress related to possibly falling ill, family separation, and uncertainty about their status; and employer surveillance of and control over their movements, which was interpreted as racist treatment of them 'as vectors of disease'. For example, they reported being prohibited from leaving their employer's home to buy groceries, access healthcare, meet friends, and send remittances overseas. If they were permitted outside, they were not to use public transit but, in many cases, had to rely on other unaffordable modes of transportation.⁸

Other international migrant workers 'voluntarily' returned or were forced to return to their home countries. For example, after extensive petitioning by Indian migrant workers, especially those stranded in the Persian Gulf countries, and after pressure from the migrant-hosting governments in the region, the Indian government launched a massive evacuation programme in May 2020. By mid-

⁶ A Cornwell, 'Gulf's Migrant Workers Left Stranded and Struggling by Coronavirus Outbreak', *Reuters*, 14 April 2020, <https://www.reuters.com/article/us-health-coronavirus-gulf-workers/gulfs-migrant-workers-left-stranded-and-struggling-by-coronavirus-outbreak-idUSKCN21W1O8>.

⁷ A Rosińska and E Pellerito, 'Pandemic Shock Absorbers: Domestic workers' activism at the intersection of immigrants' and workers' rights', in Triandafyllidou, 2021, p. 123-144, https://doi.org/10.1007/978-3-030-81210-2_7.

⁸ Landed Status Now Working Group of Migrant Rights Network, *Behind Closed Doors: Exposing migrant care worker exploitation during COVID-19*, October 2020, https://migrantrights.ca/wp-content/uploads/2020/10/Behind-Closed-Doors_Exposing-Migrant-Care-Worker-Exploitation-During-COVID19.pdf.

December, over 3.8 million Indian nationals had been repatriated from the Gulf countries and other parts of the world, including Canada, the United States, and Europe. However, especially for low-income and undocumented Indian migrant workers abroad, the cost of return was prohibitive, and undocumented migrants who remained were excluded from economic and social security provisions due to their irregular status.⁹ Similarly, by 16 January 2021, the Philippine government had repatriated over 400,000 Philippine migrant workers.¹⁰

In May 2020, the UN Network on Migration called on governments to ‘suspend forced returns during the pandemic, in order to protect the health of migrants and communities, and uphold the human rights of all migrants, regardless of status’.¹¹ While some countries, including Sweden, Australia, and Poland, carried out deportations and forced returns of migrant workers, in June 2020, Human Right Watch focused its attention on the situation in the United States. It stressed the substandard and inhumane conditions in both public and private immigration detention centres, the high number of transfers from one detention facility to another, and the elevated rates of COVID-19 infections and transmission among detainees. It also highlighted the 232 deportation flights to Latin America and Caribbean countries, with ‘some migrants deported to Mexico, Haiti, El Salvador, and Guatemala’ testing ‘positive for the Covid-19 virus.’ As Nicole Austin-Hillery, the US program director of Human Rights Watch, stated, ‘the US has continued deportations with little regard for the consequences With these reckless deportations, the Trump administration is contributing to the spread of Covid-19 and endangering public health globally’.¹²

⁹ S I Rajan and H Arokkiaraj, ‘Return Migration from the Gulf Region to India Amidst COVID-19’, in Triandafyllidou, 2021, pp. 207–225, https://doi.org/10.1007/978-3-030-81210-2_11.

¹⁰ ILO Brief, *Experiences of Migrant Workers During COVID-19 in ASEAN Countries*, p. 22.

¹¹ United Nations Network on Migration, ‘Forced Returns of Migrants Must Be Suspended in Time of COVID-19’, 13 May 2020, https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/network_statement_forced_returns_-_13_may_2020.pdf.

¹² Human Rights Watch, ‘US: Suspend deportations during pandemic – Forced returns risk further global spread of Virus’, 4 June 2020, <https://www.hrw.org/news/2020/06/04/us-suspend-deportations-during-pandemic>. See also J N Stefanelli, ‘Detained During a Pandemic: Human rights behind locked doors’ and W Liao *et al.*, ‘The House Is On Fire but We Kept the Burglars Out: Racial apathy and white Ignorance in pandemic-era immigration detention’, in R Koulish (ed.), *Crimmigration in the Age of COVID-19*, MDPI, Basel, 2023, pp. 125–159, <https://doi.org/10.3390/books978-3-0365-6425-8>. For deportation policies in Australia and New Zealand, see H McNeill, ‘Dealing with the “Crimmigrant Other” in the Face of a Global Public Health Threat: A snapshot of deportation during COVID-19 in Australia and New Zealand’, in *Ibid.*, pp. 71–83.

At the same time, many home countries were ill-prepared and often lacked the resources and logistical capacity to manage the reintegration of a surge of returnees, especially as governments were already contending with an unprecedented public healthcare crisis. Key challenges included establishing and maintaining reception centres and quarantine facilities, providing emergency financial assistance, housing, healthcare, and other social supports, as well as absorbing returnees into the local labour market. In some cases, migrant workers relied on the efforts of local and regional governments, diaspora associations, trade unions, as well as community and humanitarian organisations to assist in addressing reception and reintegration demands. Upon return, migrant workers were often stigmatised as carriers of the virus. As a result, 'local and national authorities face[d] the twin challenges of taking steps to prevent transmission by returning migrants and at the same time working with local communities to combat exaggerated fears and resulting stigma attached to returnees'.¹³

While the dynamics identified above clearly highlighted the vulnerability and precarity of migrant workers, the pandemic also generated temporary recalibration of what constitutes 'essential work'. In some cases, this included recognition of the indispensable contributions of migrants to national economies, especially in the agricultural and food production and distribution sectors, as well as in health and other care work. For example, during the pandemic and in keeping with its anti-immigrant and xenophobic policies, the right-leaning Polish government kept its borders firmly closed for asylum seekers from, for example, the Middle East, Afghanistan, and African countries, and those who illegally crossed the border were placed in detention centres. However, it instituted various measures to facilitate the entry of temporary economic migrants from Ukraine and other neighbouring countries for seasonal work in the agricultural sector.¹⁴ In 2020, other European countries similarly scrambled to hire tens of thousands of migrant agricultural workers for the peak harvest season. As one Romanian human resources expert stated, '[migrant workers are] unappreciated and disregarded. I believe their value to the economy will become evident'.¹⁵ In Canada, 'the entry of seasonal agricultural workers [beginning in April 2020] was facilitated as an exception because their admission was *economically essential*' as the security of the country's domestic food supply relies heavily on racialised, low-paid, and highly

¹³ C le Coz and K Newland, *Rewiring Migrant Returns and Reintegration after the COVID-19 Shock* (Policy brief), Migration Policy Institute, Brussels, February 2021, p. 6, <https://www.migrationpolicy.org/research/rewiring-migrant-returns-reintegration-covid-19>.

¹⁴ W Klaus, 'The Porous Border Woven with Prejudices and Economic Interests: Polish border admission practices in the time of COVID-19', in Koulis, 2023, pp. 7–19, <https://doi.org/10.3390/socsci10110435>.

¹⁵ M G Barberá, 'Western Demand Wins Romanian Workers Coronavirus Travel Waiver', *BalkanInsight*, 14 April 2020, <https://balkaninsight.com/2020/04/14/western-demand-wins-romanian-workers-coronavirus-travel-waiver>.

precarious migrant workers from Mexico, Jamaica, Guatemala, Thailand, the Philippines, India, and elsewhere.¹⁶

In short, as Triandafyllidou pointed out, ‘the pandemic has subverted our dominant understandings of desired, valued, and unwanted migration as those migrant workers previously considered “disposable” like farmworkers, domestic and care workers, courier employees, and platform workers suddenly became “frontline” essential workers, much needed, while previously valued and desired highly skilled migrants have been temporarily neglected’.¹⁷

Anti-Asian Racism and Xenophobic Nationalisms

In May 2020, UN Secretary-General António Guterres declared on social media that ‘#COVID19 does not care who we are, where we live, or what we believe. Yet the pandemic continues to unleash a tsunami of hate and xenophobia, scapegoating and scare-mongering We must act now to strengthen the immunity of our societies against the virus of hate. That’s why I’m appealing for an all-out effort to end hate speech globally.’¹⁸ According to a Human Rights Watch report in the same month, some government leaders, journalists, and social media commentators persisted in referring to COVID-19 as the ‘Chinese virus’ (or some variant of it), which contributed to an escalation of racist discrimination, harassment, violence, and hate against Asians and people of Asian descent who were cast as enemies of public health in such countries as the United States, Canada, United Kingdom, Spain, Australia, Russia, Brazil, Kenya, South Africa, etc. In addition, the report noted that ‘several political parties and groups in the United States, United Kingdom, Italy, Spain, Greece, France, and Germany ... latched onto the Covid-19 crisis to advance anti-immigrant, white supremacist, ultra-nationalist, anti-Semitic, and xenophobic conspiracy theories’

¹⁶ A Macklin, ‘(In)Essential Bordering: Canada, COVID, and mobility’, in Triandafyllidou, 2021, pp. 23–43, p. 35, https://doi.org/10.1007/978-3-030-81210-2_2. See also L F Vosko *et al.*, *COVID-19 Among Migrant Farmworkers in Canada: Employment strain in a transnational context*, ILO Working paper 79, 20 September 2022, https://www.ilo.org/global/publications/working-papers/WCMS_856495/lang-en/index.htm.

¹⁷ A Triandafyllidou, ‘Spaces of Solidarity and Spaces of Exception: Migration and membership during pandemic times’, in Triandafyllidou, 2021, pp. 3–21, p. 5, https://doi.org/10.1007/978-3-030-81210-2_1. See also B Anderson, F Poeschel, and M Ruhs, ‘Rethinking Labour Migration: COVID-19, essential work, and systemic resilience’, *Comparative Migration Studies*, vol. 9, 2021, pp. 1–19, <https://doi.org/10.1186/s40878-021-00252-2>.

¹⁸ Social media post on Twitter (now X), Antonio Guterres, 7 May 2020, retrieved 6 September 2023, <https://twitter.com/antonioguterres/status/1258613180030431233>.

to demonise foreigners, including migrant workers, more generally.¹⁹ In May 2020, allegedly in an attempt to stem the spread of COVID-19 but in the context of rising xenophobia against refugees, including Rohingya, the Malaysian police raided apartments in one neighbourhood in Kuala Lumpur and rounded up 600 undocumented migrants and refugees and placed them in detention centres.²⁰

Elene Lam *et al.* document how anti-Asian sentiments within the context of COVID-19 intersected with other forms of discrimination, such as racial profiling and over-policing, experienced by migrant Asian massage workers in New York City and Toronto. Prior to the pandemic, these workers, whether they provided sexual services or not, had already been subjected to aggressive law enforcement surveillance, investigations, and interventions in the name of combating ‘sex trafficking’ and rescuing ‘victims’. Such measures have included harassment, intimidation, raids and forced closures, fines, arrest, detention, and deportation. In the context of COVID-19, however, ‘new racial anxieties around the coronavirus as an Asian disease have been mobilized by the state to further cement the justification of policing Asian migrant workers along the axes of health, migration, and sexual labor.’²¹ Similarly, Southeast Asian domestic workers interviewed by an NGO in the United Kingdom said they faced racism because they were Asian. One woman shared that she ‘received racism because Covid was discovered in China. So some people said, “You’re an Asian and you are the reason why we have a pandemic”’.²²

In anticipation of future global health emergencies, the WHO is currently in the process of drafting and negotiating an international pandemic accord (the WHO CA+) with its 194 member states. The accord draws on the lessons learnt during

¹⁹ Human Rights Watch, ‘COVID-19 Fueling Anti-Asian Racism and Xenophobia Worldwide: National action plans needed to counter intolerance’, 12 May 2020, <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>. See also Human Rights Watch, ‘The COVID-19 Pandemic: Three years in’, 7 March 2023, <https://www.hrw.org/feature/2023/03/21/the-covid-19-pandemic-three-years-in>.

²⁰ Z. Peter, ‘Malaysia Rounds Up Hundreds of Undocumented Migrants Amid Coronavirus Fears’, *VOA News*, 3 May 2020, <https://www.voanews.com/a/east-asia-pacific-malaysia-rounds-hundreds-undocumented-migrants-amid-coronavirus-fears/6188630.html>.

²¹ E Lam, E Shih, C Chin, and K Zen, ‘The Double-Edged Sword of Health and Safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America’, *Social Sciences*, vol. 10, issue 5, 2021, pp. 157–173, <https://doi.org/10.3390/socsci10050157>.

²² M Stateva and B Gerasimov, *Heroes, Victims, or Slaves? Workers!: Strengthening migrant and trafficked women’s rights to inclusive re/integration in Southeast Asia and Europe*, GAATW, Bangkok, 2023, p. 29, <https://gaatw.org/publications/SEA-Europe-Research.pdf>.

the COVID-19 pandemic to create a framework for global collaboration. Although primarily health-focused, it does include acknowledgement that ‘all protections of rights, including but not limited to, provision of health services and social protection programmes, are non-discriminatory and take into account the needs of people at high risk and persons in vulnerable situations’ (Article 14. 2 (a)). The list of vulnerable persons includes Indigenous peoples, persons belonging to national or ethnic, religious or linguistic minorities, refugees, migrants, asylum seekers, stateless persons, persons in humanitarian settings and fragile contexts, marginalised communities, and others.²³ The accord is scheduled to be presented to the World Health Assembly in 2024, but it is not yet clear whether and to what extent member states will support ‘The world together equitably’ principles embedded therein.²⁴ In addition, as GAATW reminded us on 1 May 2021, we need to create a more caring world of work: ‘During the pandemic, our physical, health, nutritional and even emotional needs are met by a constantly available stream of workers who care for us—[from] domestic workers, cooks, [app-based and food delivery workers,] childcarers, [and] home tutors to workers who continue to churn out essential household goods—many of whom are low-wage, migrant workers. Many of these workers, in their ceaseless provision of care for us during the pandemic, have no equivalent “caring” services at their disposal’.²⁵

This Special Issue

While the articles in this Special Issue do not cover all of these aspects of the pandemic’s impact, they focus on the experiences of migrants in various geographical contexts, the challenges they faced, the failure of governments to address them, and how migrants coped with their often-dire situations. Many authors also reflect on some of the lessons learnt from this unprecedented global public health crisis and make recommendations for future policies and actions. In effect, the pandemic, and especially government and social responses and actions to mitigate it, exposed and exacerbated existing social inequities and labour precarity.

²³ World Health Organization, ‘Zero Draft of the WHO CA+ for the Consideration of the Intergovernmental Negotiating Body at Its Fourth Meeting,’ 1 February 2023, pp. 8–9 and 21. https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf.

²⁴ World Health Organization, ‘Countries Begin Negotiations on Global Agreement to Protect World from Future Pandemic Emergencies’, News release, 3 March 2023, <https://www.who.int/news/item/03-03-2023-countries-begin-negotiations-on-global-agreement-to-protect-world-from-future-pandemic-emergencies>.

²⁵ GAATW, ‘Who Cares for Our Workers?’, 30 April 2021, <https://gaatw.org/events-and-news/68-gaatw-news/1100-who-cares-for-our-workers>.

The first five articles present the findings of empirical research with different groups of migrants and the challenges they faced because of COVID-19. **Laurie Berg and Bassina Farbenblum** examine the Australian government's policies towards temporary migrant workers during the pandemic. They describe how, in 2020, migrants were told to 'go home' because the government wanted to prioritise Australian citizens. However, as the country reopened by 2022 and faced staff shortages across multiple sectors, they were told to 'come on down' and 'join our workforce'. Based on the results of an online survey of more than 6,100 temporary migrants, the paper presents the hardships they endured during the pandemic and their frustration with Australia's commodified approach to their labour. The authors conclude on a hopeful note that the new Labor government may change the country's migration policies to address widespread exploitation.

The same commodified approach to temporary, low-wage, migrant workers is also evident in the next article, by **Lola Abdukadyrova and Olga Studenko**. It describes the experiences of Kyrgyz women working in Russia before and during the pandemic, based on surveys and interviews with 298 women. Often working without formal contracts, the women were already subjected to non-payment of wages, sexual harassment by employers, and violence by their co-nationals before the pandemic. COVID-19 lockdowns and closures of businesses exacerbated this situation as migrant workers were the first to be laid off. This left many unable to buy food or pay rent, leading to various physical and psychological problems. The authors conclude with recommendations to government institutions and civil society in Kyrgyzstan and Russia to ensure the protection of the rights of Kyrgyz women migrant workers.

Next, **Yvonne Su** examines the impact of COVID-19 on the working conditions of LGBTQ+ asylum seekers in Brazil. She outlines how, for her research participants, Brazilian President Jair Bolsonaro's dismissive attitude towards the virus as 'a little flu' and the country's inefficient health and social responses were exacerbated by rising xenophobia and homophobia over the previous several years. Based on surveys with 56 LGBTQ+ asylum seekers in the city of Manaus, Su highlights respondents' loss of income and increased vulnerability to labour exploitation. Her analysis shows that these issues were more pronounced among transgender and *travesti* respondents who experience added precarity due to their gender identity. She concludes by calling for greater attention to the needs of LGBTQ+ people, especially transgender and *travesti*, in post-pandemic recovery.

Brazil's inefficient pandemic response is also highlighted in the article by **Angelo Martins Jr, Larissa Brito, and Thiago Pizzo Scatena**. They examine the devastating impact of the pandemic on the lives and working conditions of 25 women internal migrant sex workers in the city of Ribeirão Preto. As the widespread desperation led to an increase in the number of sex workers, and fear of the virus caused many clients to stop using their services, the women struggled to earn sufficient money to support themselves and their families in

their hometowns. They also described deteriorating physical and psychological wellbeing and increased violence and stigma. The authors argue that the government must recognise sex workers as workers and afford them social and labour rights.

The challenges faced by internal migrant sex workers during the pandemic are also the subject of the article by **Seun Bamidele**. He interviewed fifteen women sex workers who were living in the New Kuchingoro camp for Internally Displaced Persons (IDPs) in Abuja, Nigeria, and three key informants from NGOs working with them. Like the research participants in the other articles, the women reported reduced income, difficulties securing enough food, medicine, and basic necessities, and deteriorating mental health. At the same time, Bamidele highlights sex workers' resilience in dealing with these challenges through engaging in mutual support and, where possible, other kinds of work. He calls on the Nigerian government, NGOs, and aid agencies to provide more targeted assistance to IDPs in the country.

The next article, by **Muiread Murphy**, examines the impact of COVID-19 on victims and survivors of human trafficking for labour exploitation, as well as groups at risk, from the perspective of professionals working with them. She interviewed 65 labour inspectors, law enforcement officers, government officials, and NGO and trade union representatives in 23 European countries. Respondents highlighted the increased precarity brought on by the pandemic, the reduced services available to trafficked persons, and the limitations on professional duties due to lockdowns and other restrictions. Murphy concludes by calling on European governments to address the root causes of human trafficking for labour exploitation and increase the resources of government and non-government organisations supporting victims.

Corinne Schwarz, Hannah Britton, Eden D. E. Nay, and Christie Holland then turn our attention to the COVID-19-related messaging produced by anti-trafficking and sex workers' rights NGOs. They analysed 139 communications materials published by 36 prominent organisations between March and May 2020. They found that some organisations used the pandemic to highlight structural root causes and macro-level harms, and the need to address these through collective action. Others positioned their organisational representatives as 'essential workers' and heroic rescuers. The authors argue that these different communication styles mirror broader anti-trafficking approaches and call for intervention strategies that address precarious labour along multiple vectors.

The two short articles that conclude the issue focus on the experiences of NGOs providing services to sex workers and survivors of trafficking. **Olaya García-Vázquez and Carmen Meneses-Falcón** focus on the NGO Hermanas Oblatas, which works with women in sex work and survivors of trafficking for sexual exploitation. Based on conversations with the NGO's social workers in Spain, Italy, and Portugal, they describe the challenges that women

experienced—with migration documents, income, housing, social relationships and more—and how the NGO addressed these challenges.

Similarly, in the second short article, **Mariah Grant** describes how sex workers in the United States were excluded from the government's COVID-19 relief support. In this situation, her organisation, the Sex Workers Project, and other sex workers' rights NGOs, mobilised funds from donors and the community to meet sex workers' urgent needs. Grant adds that while meeting basic needs became a priority, sex worker organisations also won important advocacy victories.

Conclusion

The articles in this Special Issue contribute to the growing body of research on the impacts of COVID-19 on migration, labour, and exploitation. They provide compelling evidence that temporary, migrant, low-wage, and informal workers bore the brunt of these impacts and were at the greatest risk of violence, homelessness, and exploitation, as well as infection with the virus and psychological distress. A common thread that runs through many of the articles is that these were caused by governments' unwillingness to offer these workers financial assistance, such as unemployment benefits, support for rent and utility bills, or free healthcare. The most obvious conclusion is that, in the face of crises, governments must provide assistance to all people within their territories, regardless of occupation or migration status.

As we write this Editorial three and a half years after the start of the pandemic, and four months after the WHO declared COVID-19 no longer 'a public health emergency of international concern',²⁶ we would like to share some broad reflections on the themes raised in this issue and beyond.

For a brief period in 2020, it seemed like there was widespread agreement on several socioeconomic and political issues that we and many other academics, feminists, and human rights advocates had known for years: that temporary, informal, and migrant workers are essential to the functioning of society and the economy, yet utterly underpaid, unappreciated, and exploited; that healthcare systems are severely underfunded; that women bear a disproportionate responsibility for unpaid care work; that gender-based violence is a hidden pandemic; that there is

²⁶ World Health Organization, 'Statement on the Fifteenth Meeting of the IHR (2005) Emergency Committee on the COVID-19 Pandemic', WHO, 5 May 2023, [https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-coronavirus-disease-\(covid-19\)-pandemic](https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-coronavirus-disease-(covid-19)-pandemic).

a grotesque gap between the haves and the have-nots (or, those who can work from home and those who cannot); and that, when willing, governments can muster vast amounts of money to provide financial support to people in need.

The stark visibility of these issues made us hopeful that, once the pandemic was over, humankind would, to use just three of the many optimistic projections at the time, '[not go] back to normal, because normal was the problem',²⁷ 'break with the past and imagine [the] world anew'²⁸ or 'remake society and build a better future'.²⁹ Even the International Monetary Fund, a stalwart of neoliberalism and austerity, saw the pandemic as an opportunity 'to build fairer societies and economies by investing in people, [...] spending better on schools, training, and reskilling, [...] expanding social programs [...] to reach the most vulnerable, [...] and empowering women by reducing labor market discrimination'.³⁰

By mid-2021, it was clear that the new normal would look very much like the old one, with expressions like 'vaccine apartheid' and 'COVID passport' becoming illustrative of the old divisions between the global North and South, and between the wealthy and mobile versus the poor and immobilised. By early 2022, the 'pent-up demand' of wealthy consumers led to a 'cost of living crisis' of rising food and energy costs around the world, exacerbated by Russia's full-scale invasion of Ukraine. This, in turn, brought on further pain for working-class families and increasing costs for debt servicing of lower and middle-income countries. As the world went from one crisis into another, against the backdrop of the worsening climate crisis, it seemed like our political leaders had not learnt the lessons from COVID-19 that we would have liked them to.

Yet, even as this bird's eye global view of the world during and after COVID-19 is grim, we would like to end this Editorial on a positive note. In some cases, the pandemic did bring about positive policy changes. For example, Thailand allowed 1.6 million undocumented migrant workers to regularise their status

²⁷ S Pantuliano, 'Covid-19: 'We won't get back to normal because normal was the problem'', ODI, n.d., retrieved 6 September 2023, <https://odi.org/en/insights/covid-19-we-wont-get-back-to-normal-because-normal-was-the-problem>.

²⁸ A Roy, 'Arundhati Roy: "The pandemic is a portal"', *Financial Times*, 3 April 2020, <https://www.ft.com/content/10d8f5e8-74eb-11ea-95fe-fcd274e920ca>.

²⁹ P C Baker, "'We Can't Go Back to Normal': How will coronavirus change the world?", *The Guardian*, 31 March 2020, <https://www.theguardian.com/world/2020/mar/31/how-will-the-world-emerge-from-the-coronavirus-crisis>.

³⁰ K Georgieva, 'Beyond the Crisis', *Finance and Development*, June 2020, pp. 10–11, <https://www.imf.org/en/Publications/fandd/issues/2020/06/turning-crisis-into-opportunity-kristalina-georgieva>.

during the height of the pandemic.³¹ Belgium decriminalised sex work largely due to the realisation that sex workers had been excluded from COVID-19 support.³² Canada provided a pathway to permanent residency for asylum claimants on the frontlines of the pandemic.³³ There have undoubtedly been many other human rights-focused policy changes around the world.

Perhaps more importantly, we were encouraged by the increased sense of solidarity, shared humanity, and mutual care that we witnessed. People showed appreciation for healthcare workers on the front lines of the COVID-19 battles. Many brought food to sick or elderly neighbours and community members. Some employers continued paying their domestic workers' salaries, even when the latter could not come to work; others paid for their migrant workers' healthcare costs or quarantines.³⁴ As Lam *et al.* noted in relation to sex workers, 'an outpouring of mutual aid support—through cash aid, housing support, and free grocery delivery—has sustained migrant Asian massage and sex workers throughout the pandemic'.³⁵

We also saw immense mobilisation among feminists, civil society, and human rights advocates who came together, across continents, time zones, and language barriers, to strategise for short- and long-term solutions to the crisis. What is more, they were often joined by community leaders and low-wage workers in remote areas, thanks to the wider accessibility of new communications technologies. It is our hope that collective visions of a 'new social contract' in the post-COVID-19 world that these mobilisations shaped will still come to pass.

³¹ United Nations Human Rights Council, 'How to Expand and Diversify Regularization Mechanisms and Programs to Enhance the Protection of the Human Rights of Migrants. Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales', 20 April 2023, <https://undocs.org/en/A/HRC/53/26>, p. 13.

³² J Gill, 'How COVID-19 Helped Sex Workers in Belgium Make History', *Reuters*, 31 May 2022, <https://www.reuters.com/article/belgium-sexwork-decriminalisation-idUSL5N2X54FF>.

³³ Government of Canada, 'Pathway to Permanent Residency Recognizes Exceptional Service of Asylum Claimants on Front Lines of COVID-19 Pandemic', 14 August 2020, <https://www.canada.ca/en/immigration-refugees-citizenship/news/2020/08/pathway-to-permanent-residency-recognizes-exceptional-service-of-asylum-claimants-on-front-lines-of-covid-19-pandemic.html>.

³⁴ Stateva and Gerasimov.

³⁵ Lam *et al.*, p. 171.

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Thematic Articles: COVID-19: Labour, Migration, and Exploitation

‘Inanimate Objects’: Human consequences of Australia’s commodified approach to migrant workers during COVID-19

Laurie Berg and Bassina Farbenblum

Abstract

The Australian government has long treated migrant labour as a commodity, a ‘tap’ to be turned on and off in accordance with government or employer perceptions of the labour market. This article examines the Australian government’s policies concerning migrant workers during COVID-19, against the backdrop of its failure to take any meaningful steps to address systemic migrant exploitation over the past decade. It then considers the devastating human consequences of these policies during the first pandemic lockdowns, based on empirical data from over 6,100 temporary migrants collected in mid-2020. The data demonstrate migrant workers’ inability to pay for essential needs (including food and medical care); their lack of access to secure or emergency housing as well as emergency support in the form of cash or food; and their experiences of racism, discrimination, and social exclusion during the pandemic. We conclude that Australia’s commodified approach to migrant workers and acquiescence to exploitation reflected a deeper disavowal of migrants’ humanity and rights. This lens explains the apparent contradiction in which the government first denied or disregarded its legal and moral responsibilities towards them during the immediate crisis posed by the pandemic, while at the same time courting their labour in the context of skills shortages during and after the pandemic.

Keywords: migrant workers, COVID-19, wage theft, exploitation, survey, social inclusion

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Introduction

As much as it's lovely to have visitors to Australia in good times, at times like this, if you are a visitor in this country, it is time [...] to make your way home [...] Australia must focus on its citizens and its residents to ensure that we can maximise the economic supports that we have.¹

And my message to [temporary migrants] is — come on down. Come on down now, because you're wanted to come to Australia... join our workforce and help us in our agricultural sector, in our hospitality sector, and so many of the other parts of the economy that rely on that labour.²

I felt used and disrespected as an individual. The government's remarks ushering [migrants] to go back to their country was offensive and unthoughtful as my country's borders were closed and it was not that easy to just go home. It felt as though I had become a burden suddenly despite contributing to this beautiful country. Moreover, I felt abandoned as the government only offered job keeper support for Australian citizens even though I do the same job and am also a human being who needs money for food, rent, etc. Female, 22, from Mauritius (Victoria, Australia).

The Australian government has long treated migrant labour as a commodity, a 'tap' to be turned on and off in accordance with government or employer perceptions of the labour market.³ COVID-19 revealed that this commodification in fact reflected a deeper disavowal of migrants' humanity and rights. This lens explains the apparent contradiction where the government first denied or disregarded its legal and moral responsibilities of care towards them during the immediate crisis posed by the pandemic, while at the same time courting their labour in the context of skills shortages during and after the pandemic.

The Australian conservative Coalition government was on notice for many years that migrant workers were being systemically underpaid and exploited across numerous industries. It took virtually no steps to change this situation and largely ignored the recommendations advanced by its own Migrant Worker Taskforce in

¹ Prime Minister Scott Morrison, 'Transcript of Press Conference', Parliament House, 3 April 2020.

² Prime Minister Scott Morrison, 'Transcript 43749 | Press Conference – Canberra, ACT', 19 January 2022.

³ B Anderson, 'Migration, Immigration Controls and the Fashioning of Precarious Workers', *Work, Employment and Society*, vol. 24, issue 2, 2010, pp. 300–317, <https://doi.org/10.1177/0950017010362141>.

2019.⁴ It assumed action was not necessary because even under current conditions migrant workers would continue to come to Australia and perform exploitative work on farms and in cafes, factories, and abattoirs.

During COVID-19, the impact of this commodified approach went far beyond enabling the ongoing mistreatment of migrant workers at work and other arenas: it directly caused extreme levels of human suffering and violations of migrants' most basic human rights. The government used the emergency nature of pandemic response measures to justify new policies which hardened the distinctions between temporary migrants and citizens. This included telling anyone who was not a citizen or permanent resident that they should 'go home', coupled with the near absolute closure of borders to temporary visa holders, meaning migrant workers who left could not return. At the same time, the government denied temporary migrants in Australia the financial assistance that was readily available to citizens and residents who lost income during protracted lockdowns. This resulted in a humanitarian crisis that worsened as the pandemic continued.⁵

This article examines Australia's instrumentalist and dehumanised approach to policies concerning migrant workers during COVID-19. It provides an overview of the government's exclusion of temporary migrant workers from income protection during the first lockdowns, against the backdrop of its longstanding acquiescence to widespread migrant worker exploitation. It then considers in detail the devastating human consequences of these policies, based on empirical data from a survey we conducted of over 6,100 temporary migrants in mid-2020.

Finally, it explores the apparent contradiction between excluding them from the same level of support as nationals and telling them to 'make their way home' and, at the same time, declaring many of the sectors in which migrants work as 'essential' and extracting as much labour from them as possible in these industries. Indeed, the government then greatly encouraged their return to Australia when borders reopened. These apparently contradictory attitudes

⁴ The conservative Coalition government established the Migrant Worker Taskforce in 2016 to identify proposals for improvements in law, law enforcement and investigation, and other measures to identify and rectify cases of migrant worker exploitation. The taskforce was a whole-of-government endeavour with the participation of more than ten government departments or agencies. It was established in response to a media scandal involving systemic wage theft among international students in 7-Eleven stores around Australia: A Ferguson, S Danckert, and K Toft, '7-Eleven: Investigation exposes shocking exploitation of convenience store workers', *Sydney Morning Herald*, 29 August 2015.

⁵ E Kinsella, 'International Students in Hardship Due to Coronavirus a "Looming Humanitarian Crisis"', *Advocates Say*, *ABC News*, 17 May 2020.

towards migrant workers are readily understandable, though, as a commodified approach which sought to minimise the fiscal cost of social protection while maximising the potential economic benefits of their labour. The article concludes with recent reflections by political leaders in Australia condemning the previous government's treatment of migrant workers at the onset of the pandemic and instead highlighting the need to move away from a commodified approach to migrant workers to one of social inclusion and shared humanity.

Migrant Worker Exploitation in Australia

Australia does not typically perceive itself as a country with large numbers of migrant workers.⁶ However, while it lacks a formal large-scale 'guestworker' programme, Australia has a de facto temporary migrant workforce comprised of hundreds of thousands of international students (with limited work rights during their studies), Temporary Graduate visa holders (who may work for several years after their studies), seasonal workers from the Pacific Islands and Timor Leste, employer-sponsored workers, Working Holiday Makers, refugees, and people seeking asylum.⁷ It is estimated that there are a further 100,000 undocumented workers (mostly having overstayed tourist visas).⁸ These temporary migrants undertake many of the low-waged jobs performed by migrant workers in other OECD countries. Prior to the pandemic, Australia was home to over a million of these temporary visa holders with work rights (excluding New Zealanders who have unlimited work rights as a result of the historically close relationship between the two countries).⁹ Many had been in the country for extended periods, and had integrated into the Australian community and workforce.

⁶ P Mares, *Not Quite Australian: How temporary migration is changing the nation*, Text Publishing, Melbourne, 2016, pp. 14–16.

⁷ For further information on work rights of different visa categories, see L Berg and B Farbenblum, *As If We Weren't Humans: The abandonment of temporary migrants in Australia during COVID-19*, Migrant Worker Justice Initiative, 2020.

⁸ S Howells, *Report of the 2010 Review of the Migration Amendment (Employer Sanctions) Act 2007*, Department of Immigration and Border Protection, 2011; E Archibald-Binge, 'Inside Horticulture's "Dark Underbelly": The unseen workers propping up the farm industry', *ABC News*, 14 December 2021.

⁹ Data Services Branch, *Australia's Migration Trends 2019–20 Highlights*, Department of Home Affairs, 2020.

Like elsewhere in the world,¹⁰ workplace exploitation of temporary migrants in Australia has been widespread and endemic.¹¹ Systemic wage theft in certain industries, including food services, commercial cleaning, hospitality, horticulture, and various franchises, has been documented for years by parliamentary inquiries, investigations by the Fair Work Ombudsman (Australia's national labour regulator), and academics.¹² In two surveys of more than 10,000 migrant workers we conducted between 2016 and 2019, three-quarters of respondents reported earning less than the legal minimum wage for a casual worker, and one-quarter reported earning less than half that amount.¹³ Exploitation was most severe for visa holders with precarious immigration status who are more vulnerable to mistreatment and less likely to report it.¹⁴ Many also lived in insecure housing situations characterised by overcrowding, exploitative treatment, and overcharging by unscrupulous head-tenants and landlords.¹⁵

The right-wing Coalition government, in office between 2013 and 2022, did little to address this exploitation. Although accepting in principle all 22 recommendations of the government's own cross-departmental Migrant Workers' Taskforce in 2019,¹⁶ it implemented virtually none.

¹⁰ International Labour Organization, *Addressing Governance Challenges in a Changing Labour Migration Landscape*, ILO, Geneva, 2017.

¹¹ Migrant Workers' Taskforce, *Report of the Migrant Workers' Taskforce*, Department of Employment and Workplace Relations, 2019, p. 37.

¹² Senate Education and Employment References Committee, *A National Disgrace: The exploitation of temporary work visa holders*, Parliament of Australia, Canberra, 2016, chapter 8; I Campbell, M Boese, and J-C Tham, 'Inhospitable Workplaces? International students and paid work in food services', *The Australian Journal of Social Issues*, vol. 51, issue 3, 2016, pp. 279–298, <https://doi.org/10.1002/j.1839-4655.2016.tb01232.x>; Senate Education and Employment References Committee, *Corporate Avoidance of the Fair Work Act 2009*, Parliament of Australia, Canberra, 2017, p. 59; J Howe *et al.*, *Towards a Durable Future: Tackling labour challenges in the Australian horticulture industry*, University of Adelaide, 2019.

¹³ L Berg and B Farbenblum, *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey*, Migrant Worker Justice Initiative, 2017; B Farbenblum and L Berg, *International Students and Wage Theft in Australia*, Migrant Worker Justice Initiative, 2020.

¹⁴ B Farbenblum and L Berg, *Wage Theft in Silence: Why migrant workers do not recover their unpaid wages in Australia*, Migrant Worker Justice Initiative, 2018.

¹⁵ A Morris *et al.*, 'International Students Struggling in the Private Rental Sector in Australia Prior to and During the Pandemic', *Housing Studies*, 2021, <https://doi.org/10.1080/02673037.2021.1961695>; L Berg and B Farbenblum, *Living Precariously: Understanding international students' housing experiences in Australia*, Migrant Worker Justice Initiative, 2019.

¹⁶ Workplace Relations Stream, *Government Response to the Migrant Workers' Taskforce Report*, Department of Employment and Workplace Relations, 2019.

Government Policies in the First Months of COVID-19

Border Closures and Instructions to Temporary Migrants

With a strong undercurrent of nationalism, the measures introduced by the Australian government to curtail the spread of COVID-19 were among the most restrictive in the world. On 19 March 2020, Australia instituted a near-absolute border closure, excluding from entry almost everyone who was not a citizen or resident, to create what the government proudly described as ‘Fortress Australia’.¹⁷ The few citizens, residents, and (even fewer) temporary visa holders who entered Australia were required to isolate on arrival in centralised quarantine facilities for two weeks, at their own expense.¹⁸ On 22 March, the federal and state governments instituted nationwide lockdowns, restricting the movement of all non-essential workers, that were to last almost seven weeks in the most populous states.¹⁹

In early April 2020, Prime Minister Scott Morrison advised anyone who was not a permanent resident or citizen that, if they were no longer able to financially support themselves, it was time ‘to make your way home’.²⁰ This was the case regardless of the number of years they had lived in Australia or the depth of their connections in the community.

A significant number of Working Holiday Makers and other temporary visa holders left in the months that followed. However, many migrant workers remained. Large numbers were unable to leave because borders in their home countries were closed. Many others had become part of the Australian community and could not abandon the investment they had made in their lives, work, and study in Australia, given it was not clear when they might return. In fact, the national border did not reopen for most temporary visa holders until 15 December 2021.²¹ This meant that temporary visa holders who left Australia during COVID-19 were

¹⁷ The Hon. Scott Morrison MP Prime Minister, Senator The Hon. Marise Payne, The Hon. Peter Dutton MP, ‘Border Restrictions’, Joint Media Release, 19 March 2020; See also ‘Fortress Australia Scenario’ in National Skills Commission, *The Shape of Australia’s Post COVID-19 Workforce*, 2020, p. 58.

¹⁸ P Karp and K Murphy, ‘Overseas Arrivals to Australia to Be Quarantined in Hotels for Two Weeks over Coronavirus’, *The Guardian*, 27 March 2020; T Thiessen, ‘Australia Hotel Quarantine: You will pay \$3000-\$5000 returning home, here are state details’, *Forbes*, 13 July 2020.

¹⁹ The Hon. Scott Morrison MP Prime Minister, ‘Update on Coronavirus Measures’, Media Release, 22 March 2020.

²⁰ Prime Minister Scott Morrison, ‘Transcript of Press Conference’, Parliament House, 3 April 2020.

²¹ M McGowan, ‘How Have Australia’s International Travel Rules Changed in Response to Omicron?’, *The Guardian*, 29 November 2021.

not readmitted until this time. Those who had been overseas when the national border was first closed could not return, and new temporary visa-holders could not gain entry.

Financial Social Support Measures

When lockdown measures were introduced in March 2020, the government introduced social support measures for workers, businesses, and the broader community who suffered loss of income as a result.²² The fortnightly unemployment benefit allowance was doubled and available to citizens and residents whose employment was terminated, and new generous payments were made available to citizens and residents who were furloughed during lockdowns.

Despite Australia's relative affluence, temporary visa holders who lost their jobs or were furloughed were explicitly excluded from these public unemployment benefits or wage subsidies (other than New Zealanders who hold special visa status).²³ The prime minister justified this decision by suggesting that inclusion of temporary migrants in support measures would result in fewer resources for residents and citizens.²⁴

Australia's approach was at odds with responses of many other countries that extended wage subsidies and other forms of support to temporary migrants who had been working in their country. For example, in the United Kingdom,

²² See announcement made on 22 March 2020: 'Coronavirus (COVID-19) Information and Support', *Department of Social Services (Cth)*, accessed September 2020 (since withdrawn), <https://www.dss.gov.au/about-the-department/coronavirus-covid-19-information-and-support>; Australian Taxation Office, 'Support for Businesses and Employers', 2022, <https://www.ato.gov.au/general/covid-19/support-for-businesses-and-employers>.

²³ 'Who Can Get JobSeeker Payment', *Services Australia, Australian Government*, 2022, <https://www.servicesaustralia.gov.au/who-can-get-jobseeker-payment?context=51411>; 'Your Eligible Employees', *Australian Taxation Office*, 23 July 2020, accessed September 2020 (since withdrawn). The definition of 'Australian resident' extended to a very small number of temporary visa holders under two small regional work schemes: Skilled Work Regional (Provisional) and Skilled Employer Sponsored Regional (Provisional) visa holders. See 'Residence Rules for JobSeeker Payment', *Services Australia, Australian Government*, 2022, <https://www.servicesaustralia.gov.au/residence-rules-for-jobseeker-payment?context=51411>. See also J-C Tham, 'Why Temporary Migrants Need JobKeeper', *The Conversation*, 7 April 2020. These temporary visa holders worked in industries including food services, hospitality, retail.

²⁴ Prime Minister Scott Morrison, 'Transcript of Press Conference', Parliament House, 3 April 2020.

temporary migrants were eligible for unemployment payments.²⁵ In Canada, temporary migrants with a valid social insurance number could receive CAD 2,000 for a four-week period for up to 16 weeks if they had stopped working for reasons related to COVID-19.²⁶ In Ireland, temporary migrants were eligible to receive up to EUR 350 per week if they became unemployed due to COVID-19.²⁷ In New Zealand, temporary migrants could access the federal ‘Wage Subsidy Scheme’ so long as their employer applied to the scheme, allowing recipients to be paid a flat rate of NZD 585.40 per week for people previously working 20 hours or more per week, or NZD 350 per week for those working less than 20 hours.²⁸ The wage subsidy schemes introduced by the United Kingdom, Ireland, and Canada allowed temporary migrants to receive between 75% and 85% of their weekly average pay if their employers applied to the scheme.

In contrast, Australia entirely excluded temporary migrants from JobSeeker unemployment benefits for those who lost work as a result of COVID-19 and JobKeeper wage subsidies for workers furloughed during lockdowns. One of the only forms of support offered to temporary migrants was the ability, from April, to access the compulsory pension contributions (superannuation) their employers had made while migrants had been working in Australia, which they would otherwise have been able to access upon their final departure.²⁹ In other words, migrants were permitted to access funds they had earned. However, even this measure did not assist the many migrant workers (especially international

²⁵ ‘Guidance: Check which employees you can put on furlough to use the Coronavirus Job Retention Scheme’, *Government of the United Kingdom*, 14 May 2020 (withdrawn 29 October 2021 since the scheme ended on 30 September 2021), <https://www.gov.uk/guidance/check-which-employees-you-can-put-on-furlough-to-use-the-coronavirus-job-retention-scheme>.

²⁶ ‘Frequently Asked Questions: Canada Emergency Wage Subsidy (CEWS)’, *Service Canada, Government of Canada*, 2020, <https://www.canada.ca/en/revenue-agency/services/wage-rent-subsidies/cews-frequently-asked-questions.html>; ‘Canada Emergency Response Benefit (CERB)’, *Service Canada, Government of Canada*, 2020, <https://www.canada.ca/en/services/benefits/ci/cerb-application.html>.

²⁷ ‘Temporary COVID-19 Wage Subsidy Scheme’, *Citizens Information*, https://www.citizensinformation.ie/en/employment/unemployment_and_redundancy/covid19_temporary_wage_subsidy_scheme.html#1b1830; ‘COVID-19 Pandemic Unemployment Payment’, 16 June 2020, <https://www.gov.ie/en/service/be74d3-covid-19-pandemic-unemployment-payment/#how-to-qualify>.

²⁸ ‘Who Can Get a COVID-19 Wage Subsidy August 2021 Payment’, *Work & Income, New Zealand Government*, n.d. retrieved 18 October 2022 (since withdrawn), <https://workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html#null>.

²⁹ The Hon. David Coleman MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, ‘Coronavirus and Temporary Visa Holders’, Media Release, 4 April 2020, <https://minister.homeaffairs.gov.au/davidcoleman/Pages/Coronavirus-and-Temporary-Visa-holders.aspx>.

students, backpackers, and undocumented workers) who are paid in cash and whose employers would not have made retirement contributions.³⁰ Indeed, some temporary migrants who had been paid through electronic systems discovered that their employers had never paid these mandatory contributions.³¹

As advocates' outcry increased, at the end of April, one month after the national lockdown began, the Australian government allocated AUD 7 million over a six-month period to the Australian Red Cross to deliver an emergency relief payment to help the most vulnerable temporary migrants meet urgent needs like food, medicine, and crisis accommodation.³² The Australian Red Cross itself acknowledged these one-off payments were likely insufficient to meet the needs of this vulnerable group.³³

Despite growing calls from community groups and public policy experts to address the humanitarian crisis being caused by the denial of support to temporary migrants,³⁴ the federal government steadfastly stood by its policy. Temporary residents continued to be excluded from financial support even after it became clear that the allocation for residents' wage subsidies was substantially underspent.³⁵ Government rhetoric at the time tended to suggest that migrants were to blame for their situation because they had been advised to leave, and Australian taxpayers therefore bore no responsibility for their plight.³⁶

³⁰ Berg and Farbenblum, *Wage Theft in Australia*.

³¹ C Florez, 'International Student Andres Tried to Access His Super but Realised It Had Never Been Paid', *SBS News*, 29 June 2020.

³² See 'Emergency Relief National Coordination Plan', *Department of Social Services, Australian Government*, 2022, <https://www.dss.gov.au/communities-and-vulnerable-people-programs-services-emergency-relief/emergency-relief-national-coordination-plan>.

³³ 'Emergency Relief Support for People on Temporary Visas', *Australian Red Cross*, 30 April 2020, accessed September 2020 (since withdrawn), <https://www.redcross.org.au/get-help/help-for-migrants-in-transition/help-for-migrants-in-transition>.

³⁴ P Whiteford, 'Open Letter to the Prime Minister: Extend coronavirus support to temporary workers', *The Conversation*, 7 April 2020.

³⁵ P Karp, 'Frydenberg Rules out "Wholesale Changes" to JobKeeper Despite \$60bn Underspend', *The Guardian*, 25 May 2020; J Irvine, 'The \$60 Billion Question: Why did JobKeeper cost so much less than expected?', *The Sydney Morning Herald*, 26 May 2020.

³⁶ Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs Alan Tudge stated on national television news: 'Well, we're giving pretty strong advice, and we're giving pretty firm expectations that the Australian taxpayer, through their government, will support Australians first and permanent residents first. The expectation is that temporary visitors can look after themselves [...] they need to examine their circumstances, their savings, how much super they might have, and make those decisions accordingly'. Interview with Patricia Karvelas, *ABC News* 24, 6 April 2020.

Impact on Migrant Workers

The government made limited efforts to assess the humanitarian impact of the lack of financial support for the hundreds of thousands of temporary migrants who remained in Australia. In June and July 2020, we conducted a survey among temporary visa holders in order to establish large-scale, first-hand empirical data to document and evaluate this impact and to inform government decision-making (the ‘COVID-19 Survey’).

Research Methodology

The survey contained 83 multiple choice questions (participants received subsets of these depending on their responses) and a small number of questions that allowed open answers. The survey was available online in English and Simplified Chinese.

Participants were asked about their experiences during and after COVID-19-related restrictions were introduced. Social distancing restrictions were first imposed on 20 March. In order to be able to compare participants’ experiences during COVID-19 to participants’ lives in Australia before social distancing restrictions were imposed, a number of questions asked participants about their experiences or circumstances on 1 March or after that date.

Almost half (45%) of respondents were notified about the survey by their education provider. Close to a third (29%) heard about the survey from an organisation, by email, newsletter, or in person, and a further 22% found out about it through a community group or organisation on social media. Twelve per cent heard about the survey through family and friends, including 9% through social media.

8,077 individuals entered responses to the survey. Of these, 1,432 responses were removed for a number of reasons,³⁷ leaving 6,105 valid responses. Respondents included 5,047 international students, 251 Working Holiday Makers, 212 Temporary Graduate visa holders, 187 Temporary Skill Shortage (‘TSS’) visa holders, and 44 refugees and people seeking asylum, among others. The survey was anonymous, online, and disseminated via social media, education providers, service providers, and community networks.³⁸ Respondents were nationals of 120 countries, and more than half (54%) were women, with 11 non-binary participants.

³⁷ These were respondents who were not temporary migrants; were under 17 years old; had completed less than 14% of the survey; or were flagged by Qualtrics as multiple entries of the same person (using a Cookies approach).

³⁸ Due to the anonymity of the survey and the impossibility of obtaining a representative sample, there are a number of methodological limitations: see Berg and Farberblum, *As If We Weren’t Humans*.

Why Migrant Workers Stayed

The survey was open to anyone who had been on a temporary visa on 1 March 2020, and 92% of respondents were still in Australia at the time of the survey. The findings revealed that in fact many could not leave Australia: two in five (39%) indicated they could not return home because their country's border was closed or there were no flights to their home country. A quarter (26%) could not return because of high flight costs. Many (56%) reported they stayed because they did not want to risk losing their investment in their stay or studies in Australia or were afraid they may not be able to return (50%). (Respondents could choose multiple reasons for staying.)

As a 28-year-old woman Master's student from Ecuador observed, 'If you are suffering in this country, go home, go home even if the borders are closed, go home we don't care about your visa and how hard you were studying, we just care how much money you can give to the country. I sincerely got amazed about this.'

Impact on Work

On 1 March 2020, 50% of respondents were working in Australia. Over a quarter (28%) of these were working in hospitality, and others were working in administrative or professional roles, retail, commercial cleaning, healthcare and aged care, and as delivery riders; a small number were working in horticulture.

The institution of the lockdown resulted in swift loss of work and extreme loss of income: seventy per cent of respondents either lost their job or most of their hours or shifts. Among those working in hospitality, 85% lost their job. By contrast, migrant workers who were members of a union fared strikingly better in relation to loss of work.³⁹ Loss of work was especially severe among temporary migrants from certain countries. Overall, including those who were not working on 1 March to begin with, 33% of all respondents either lost their job or most of their hours after 1 March. By contrast, 75% of all Nepalese respondents and 52% of all Indian respondents either lost their job or most of their hours. This is explained in part by the fact that these nationalities included larger proportions of respondents who were working on 1 March, and in part by the jobs they held.

For those who continued working, 21% had a reduced wage and 11% did unpaid work. Many reported dangerous and unsafe workplace practices, including inability to socially distance (24%), lack of proper protective equipment (37%), and no access to paid leave if they needed to isolate (86%).

³⁹ Only 38% of these lost their job, and a further 23% reported losing most of their hours, while 24% reported that they kept their job and did not lose any hours.

Impact on Housing and Basic Living Needs

Most respondents (74%) indicated that they needed to work in Australia to support their basic living needs, and many quickly fell into severe financial distress when they lost work or received more limited family financial support as a result of the pandemic. Almost two-thirds (63%) reported that between March and July 2020 they had been unable to pay for at least one essential need. This included rent (48%), food (28%), phone credit/internet (25%), heating/electricity (18%), doctor visits (15%), or essential medicine (10%). This accorded with news reports which documented that ‘some students had been eating once a day and were just trying to survive’.⁴⁰

Many experienced extreme precarity in their living situation. Close to half (42%) reported that for some period between March and July 2020 they had feared homelessness, and 14% of international students reported they had in fact been homeless during that period.

Ninety respondents indicated that they had experienced physical abuse or violence in their home, with 88% of these reporting that abuse started or worsened during COVID-19. A separate survey conducted by Domestic Violence NSW found that 45% of staff providing support to women on temporary visas reported their clients had experienced more violence in the early months of the pandemic.⁴¹ 438 respondents (9%) stated that they had experienced verbal abuse or harassment in their home. Among these respondents, 88% reported that this abuse started or got worse during COVID-19 (52% and 36%, respectively).

Access to Emergency Support

Though the Australian Red Cross and other non-profits provided various limited forms of emergency support, 67% of respondents indicated they had not sought support despite the high levels of need. Among these, close to a third (29%) reported this was because they were worried that their visa might be affected if they indicated they needed this kind of emergency help. This debilitating sense of precarity associated with temporary migration status is consistent with findings in other large-scale surveys we have conducted, which confirmed that visa fears keep migrant workers silent in relation to workplace exploitation, and even tenancy issues and abuse by landlords.⁴²

⁴⁰ L Henriques-Gomes, ‘International Students Turn to Foodbanks as Casual Work Dries up in Second Melbourne Lockdown’, *The Guardian*, 15 July 2020.

⁴¹ ‘Women on Temporary Visas in Crisis Within a Crisis’, Domestic Violence NSW, 2022, <https://www.thirdsector.com.au/amp/women-on-temporary-visas-in-crisis-within-a-crisis>.

⁴² Farbenblum and Berg, *Wage Theft in Silence*; Berg and Farbenblum, *Living Precariously*.

Ongoing Financial Insecurity

Most respondents reported that they believed their financial precarity would likely continue to deteriorate beyond July 2020 as the pandemic continued. One in two survey participants (51%) pointed out they had debt they could not repay, including loans and credit card debt. This included many respondents who indicated they had taken on debt to cover basic costs, and others who found themselves unable to repay pre-existing debts.

Respondents were all asked about their financial outlook for the second half of 2020, and the majority (57%) expected their situation to be somewhat or much worse. This included 56% of refugees and asylum seekers and 58% of international students. Perceptions of financial outlook varied somewhat between nationality groups, and was particularly bleak for some. For example, the proportion of international students who believed their financial situation would be worse in six months rose to three-quarters of Chinese students (74%), Korean students (76%), and Taiwanese students (74%), and two-thirds of Nepalese students (66%). Of all respondents who believed their situation would be worse or much worse, 59% believed that by the end of 2020, they would completely run out of funds (including wages, savings, and family support) to pay for rent, food, and other essential items.

The government of the state of Victoria instituted a second lockdown between June and October 2020. In the following year, Victoria and other states experienced further lockdowns for several months at a time. In each of these, migrant workers either experienced further periods of unemployment, for example, those working in the hospitality sector, or were able to continue to work as ‘essential workers’ in the health and aged care sectors, in supermarkets, and as delivery riders. These different labour market implications for migrant workers led to apparently contradictory attitudes held by the federal government towards temporary migrants in Australia and to inconsistent policies evolving over time.

Evolving Government Policies Throughout COVID-19 and When Borders Reopened

At the same time as the government was excluding temporary migrants from financial support during periods of reduced hours or unemployment during lockdowns, it sought to extract as much labour from them as possible as workers in essential industries which were expanded due to the pandemic and lockdowns. This included sectors and jobs which were unattractive to Australian workers, due to fears of contracting COVID-19. This contradiction was reflected in several changes to visa settings and financial support measures between 2020 and 2022,

as well as a reversal of the previous policy of excluding temporary migrants from financial support packages in 2021.

Early Changes to Visa Rules to Meet Labour Shortages in Essential Industries

In early April 2020, in the context of travel restrictions which prevented migrants from crossing internal Australian state borders as well as border closures in migrants' countries of origin, the government introduced a new COVID-19 visa as a visa of last resort for migrants who were unable to leave Australia upon expiration of their visas. For migrants working in seven 'critical sectors', including agriculture, aged care, and hospitality, and who had evidence of employment, visa holders were given work rights and permitted to remain for up to 12 months.⁴³

Highlighting the value of international student labour to certain essential industries, the 40 hour per fortnight limitation on student visas was progressively relaxed as the pandemic continued. In March 2020, it was relaxed for students working in 'essential services', which included aged care and supermarkets.⁴⁴ From April, this was expanded to students working in healthcare and disability care.⁴⁵ In January 2021, students were permitted to work unlimited hours in agriculture. Advocates had long sought the removal of the work limit for international students because it had resulted in increased vulnerability to exploitation when they breached this visa condition, leaving them at risk of visa cancellation if their employer reported them to Immigration. The government had previously doggedly refused to lift this limit, despite its clear contribution to exploitation, on the basis that it would interfere with students' studies.

Quiet Reversal of Financial Support Exclusion in 2021

In the second year of the pandemic, the government replaced its former COVID-19 support payment scheme for individuals who had lost work during a lockdown ('JobKeeper' payments) with a new national support scheme, the

⁴³ Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022.

⁴⁴ The Hon. David Coleman MP, 'Joint Media Release with Senator the Hon. Richard Colbeck: International students ready to fill critical staff shortages in aged care', *Australian Government*, 2020, retrieved 6 October 2022, <https://minister.homeaffairs.gov.au/davidcoleman/Pages/international-students-ready-to-fill-critical-staff-shortages-in-aged-care.aspx>.

⁴⁵ The Hon. Stuart Robert MP, 'Joint Media Release with The Hon. Alan Tudge MP, The Hon. Greg Hunt MP, and The Hon. Stuart Robert MP, Boosting health and disability worker numbers during the coronavirus', *Former Ministers and Parliamentary Secretaries, Australian Government*; The Hon. David Coleman MP, 'Coronavirus and Temporary Visa Holders', *Australian Government*, 2020.

‘COVID-19 Disaster Payment’ from June 2021. Unlike the JobKeeper scheme, the government extended this new scheme beyond citizens and permanent residents to temporary visa holders with work rights.⁴⁶ This change in approach was implemented quietly and never publicly announced. It occurred against the backdrop of many months of a persistent, highly coordinated national campaign by tens of civil society organisations, unions, churches, and others based on the severe deprivation caused by the government’s exclusion of temporary migrants from the JobKeeper scheme.⁴⁷

However, this change in policy may also have been based on a utilitarian calculation. At that point in the pandemic, the government needed the migrant workers who had remained, and the cost of including them in the scheme was now substantially lower, given hundreds of thousands of migrant workers had already left Australia. Besides, far fewer workers across the country were affected by lockdowns during the second year of the pandemic.

Enticing Migrant Workers to Return When Borders Reopened in 2022

The national border reopened for many ‘fully vaccinated’ temporary visa holders on 15 December 2021.⁴⁸ However, migrant workers were slow to return, contributing to widespread labour shortages in key industries. During 2022, businesses and the Australian public spoke out about the impact of acute labour shortages in horticulture with inadequate number of workers to pick and pack fresh produce,⁴⁹ reduced opening hours in cafes and restaurants across the country that are unable to find staff,⁵⁰ crises in health and care sectors with

⁴⁶ M Kapdor and A Lotric, ‘Australian Government COVID-19 Disaster Payments: A quick guide’, Research Paper Series, 2021–22, 21 January 2022.

⁴⁷ M Riboldi, L Fennis, and M Stears, ‘Strengthening Australian Civil Society: For-purpose sector resilience and capability in crisis and beyond’, University of Sydney, 2022, <https://www.sydney.edu.au/sydney-policy-lab/our-research/strengthening-australian-civil-society.html>.

⁴⁸ This included fully vaccinated skilled sponsored temporary visa holders and international students: M McGowan, ‘How Have Australia’s International Travel Rules Changed in Response to Omicron?’, *The Guardian*, 29 November 2021.

⁴⁹ B Smee, ‘Harvests Could Be Lost If Coronavirus Travel Restrictions Lead to Labour Shortages on Australian Farms’, *The Guardian*, 16 March 2020; N May, ‘Labour Shortages May Cause Farmers to Lose Crops and Consumers to Face Food Price Hikes’, *The Guardian*, 20 October 2021; K Burke, ‘How the Covid Pandemic Exposed Deep Cracks in the Australian Farm Labour Model’, *The Guardian*, 20 November 2021.

⁵⁰ P Karp, ‘As Australian Job Vacancies Double, Which Sectors Are Facing the Biggest Labour Shortages?’, *The Guardian*, 19 July 2022; B Schneiders and B Eder, ‘Why Sydney’s Hospitality Industry Still Struggles for Staff’, *The Sydney Morning Herald*, 28 August 2022.

severe understaffing,⁵¹ and delays in many other service industries accompanied by increased cost of goods and services.

Reflecting on these labour shortages, and the impact of reduced international student numbers on the international education market, New South Wales Premier Dominic Perrottet, then leader of the state Coalition government, observed that it had been a mistake to tell international students to leave Australia during the pandemic.⁵²

Anticipating these labour shortages and a change of public sentiment, as international borders reopened in early 2022, the Coalition government sent an entirely different message to prospective migrants, enticing them to ‘come on down’ and ‘join our workforce and help us in our agricultural sector, in our hospitality sector, and so many of the other parts of the economy that rely on that labour’.⁵³ Continuing to treat migrant workers as a labour commodity, the prime minister qualified that migrant workers were not being invited to join the Australian community, but rather ‘we still need people working in those regional areas. We don’t want them coming off the farm and coming into the city.’

The government then introduced an increasing range of concessions to entice migrant workers to return and fill labour shortages. This included, in January 2022, an expansion of the relaxation of limits on international student work hours to all industries.⁵⁴ This permitted international students to work unlimited hours in hospitality or any other industry suffering labour shortages, and to entice new students to Australia.

Implications of the Government’s Commodified Approach to Migrant Workers

New temporary visa holders were slow to return to Australia once international borders progressively reopened. New temporary migrants did not immediately respond to the incentives that had been introduced to encourage them to come to Australia, just as most international students and skilled workers had not

⁵¹ Treasury, Australian Government, *Jobs and Skills Summit Issues Paper*, 2022.

⁵² A Nilsson, ‘NSW Premier Dominic Perrottet Says It Was a “Mistake” to Tell International Students to Leave Australia During Pandemic’, *News.com.au*, 2 September 2022.

⁵³ Prime Minister Scott Morrison, ‘Transcript 43749 | Press Conference - Canberra, ACT’, 19 January 2022.

⁵⁴ ‘Temporary Changes to Visa Work Conditions for Students and Working Holiday Makers’, *Department of Home Affairs, Australian Government*, 2022, retrieved 6 October 2022, <https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=813>.

immediately taken up the prime minister's suggestion that it was time to 'make your way home' when COVID restrictions began.

Data from our survey indicates that respondents acutely experienced social exclusion and racism as a result of the government's early instrumentalist efforts to turn off 'the tap' of migrant labour.

Experiences of Racism and Social Exclusion

Respondents were asked whether they had experienced racism or discrimination in Australia between March and June/July 2020, and were given an opportunity to provide details of their experiences. Over half of Chinese respondents (52%) and over 40% of nationals of other East Asian and Southeast Asian countries reported that during this time, they had experienced racist verbal abuse or people avoiding them because of their appearance.

Over 1,600 survey respondents took the time to provide open responses sharing personal experiences of verbal harassment, physical abuse, or of being shunned in public spaces, workplaces, and housing from the onset of COVID-19. They described being punched, kicked, shoved, deliberately spat at or coughed on by passers-by, and having eggs, food, rocks, cans, or bottles thrown at them. Many respondents had been subjected to derogatory and xenophobic slurs, including being told they were 'coronavirus', 'fking corona', 'Chinese virus', 'Asian virus', 'Chink virus', 'virus', or 'Wuhan' when walking on the street, commuting on public transport, shopping for groceries, driving, or at work. One Filipina visa holder observed, 'Some Australian citizens made fun of me because I'm Asian. They call me Corona (COVID) virus and even told to go back home'. A 22-year-old Vietnamese student reported that a 'middle-aged man told me to go back to my country. He also coughed near my face on purpose'.

Non-Asian respondents also reported experiences of racism, such as a Cameroonian woman in Victoria who recalled being told 'Africans caused the second wave' in that state. Indeed, respondents of numerous nationalities reported being told to 'get out of Australia'. One German student observed: 'I've been told several times that I should go back where I'm from instead of trying to "milk the Australian economy"'.

Feelings towards Australia in Light of Treatment during COVID-19

The final question of the survey asked participants: 'How do you feel about your treatment by the Australian government during COVID?'. Over 3,000 respondents chose to provide an optional open response, and hundreds specifically referred to the prime minister's speech telling temporary migrants to go home. Many respondents expressed deep distress and anger, and used dehumanising language to describe how Australia had treated them and other temporary migrants. They

shared feelings of worthlessness and abandonment, stating they were treated like ‘we don’t exist’; ‘I didn’t matter’; ‘aliens who don’t belong here’; ‘inanimate objects’; ‘discarded, unimportant, and expendable’; ‘trash’; ‘garbage’; and ‘dirt’.

A large number of respondents felt Australia only valued them as a revenue stream, and many felt used for their cheap labour. An Indian graduate shared that she felt ‘extremely disappointed that we are looked onto as cash cows. [...] Feels like a slap on the face that I wasted my childhood in a place that does not appreciate all the work I have put in for the community/country’. A 27-year-old female student from Uzbekistan observed, ‘Australia welcomes money, not people. When immigrants cannot support themselves because of [the] pandemic, [the] Australian government makes them feel most unwelcome!’

Many respondents indicated that their feelings about Australia changed in light of the discrimination, exclusion, and inequality they had experienced during COVID-19. Well over half (59%) of international students, graduates, and Working Holiday Makers reported they were now less likely to recommend Australia as a place to study or have a working holiday. Among those who personally experienced racism, 71% were less likely to recommend Australia (including 37% who were much less likely to do so, compared with 18% of those who did not report experiencing racism).

Conclusion

The Coalition government did not appear to have learnt any lessons from the human suffering caused by its policies on migrant workers during the pandemic. It also did not acknowledge its hubris in telling migrant workers that they are not part of the Australian community and ‘in times like these’ should go home, assuming they or others would all rush back as soon as Australia needed their labour. Rather, when borders reopened, the government adopted the same instrumentalist approach in enticing new migrants to ‘come on down’, including offering financial incentives such as visa fee waivers, new visa extensions, and unlimited work rights on some visas.

This Coalition government’s dehumanising approach to migrant workers was not inevitable. In May 2022, after nine years in office, it was replaced by a new centrist Labor government. The incoming immigration minister condemned the previous government’s approach to labour migration as ‘a switch to be flipped on and off’.⁵⁵ He observed that an alternative approach was not only possible, but

⁵⁵ The Hon. Andrew Giles MP, ‘Speech at Sydney Policy Lab – The administration of Australian immigration’, *Australian Government*, 25 August 2022, <https://minister.homeaffairs.gov.au/AndrewGiles/Pages/speech-sydney-policy-lab-20220825.aspx>.

in Australia's best interests. He explicitly rejected the suggestion that Australia benefits from 'a contractual, or even mercantile, approach to temporary migration' and the government has committed to addressing 'the exploitation of migrants on an industrial scale'. Neither of these commitments have been met with public opposition. In fact, against the backdrop of this signalling from government, many organisations across the country have jointly called for new visa protections for migrant workers who report exploitative employers.⁵⁶

The dehumanisation and suffering of migrant workers during COVID-19 can be traced to the government's commodified approach to labour migration which treated migrant workers first and foremost as an exploitable resource on tap for the Australian labour market (and in the case of international students, a market for its international education exports). As the large-scale data in this article demonstrates, the pandemic laid bare the government's denial of the humanity of migrant workers as members of the Australian community, and its concomitant disregard for its moral and legal responsibilities to safeguard their basic human rights—approaches that also explain its failure to take any meaningful steps to address systemic migrant exploitation over the past decade.

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⁵⁶ L Berg, B Farbenblum, and S Verma, *Breaking the Silence: A proposal for whistleblower protections to enable migrant workers to take action against exploitation*, Migrant Justice Institute Research and Policy Guide Series, 2023.

‘The Pandemic Played a Cruel Joke on Us’: The vulnerabilities of Kyrgyz women migrant workers in Russia during COVID-19

Lola Abdukadyrova and Olga Studenko

Abstract

The COVID-19 pandemic affected various aspects of social and economic life across the world, with women and minorities especially bearing the brunt of its negative consequences. For Kyrgyz migrant women in Russia, this was further compounded by particularities of the low-wage or informal sectors where they worked. This article contributes to the scholarship on the impact of COVID-19 on migrant workers in destination countries. Drawing on data from 298 Kyrgyz women working in Russia, it explores women’s experiences with income, labour protections, freedom of movement, and violence in the workplace during the pandemic. It demonstrates that these experiences are caused by the intersection of gender and migration status. The article concludes with recommendations directed at the Kyrgyz government and civil society to improve the situation of Kyrgyz migrant women working in Russia.

Keywords: COVID-19, women, migration, vulnerability, Russia, Kyrgyzstan

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Introduction

The Kyrgyz Republic is one of the most remittance-dependent countries in the world.¹ According to the Federal Service of State Statistics, in 2021 there were 711,240 Kyrgyz migrants in Russia, 477,000 of whom were labour migrants.² Estimates suggest that more than one million Kyrgyz people have migrated to Russia for work,³ with around half of them women.⁴ Migrant women face intersectional discrimination based on their gender and migration status.⁵ Over the past five years, Kyrgyz women's migration to Russia has been increasing due to a variety of factors, including the simplification of procedures for labour migration between member states of the Eurasian Economic Union (EAEU), high unemployment rates and low wages in Kyrgyzstan, family reunification due to earlier migration of men, and an entry ban for men migrants who broke the law.⁶ Therefore, women's labour migration is often seen as the only way to improve a family's living standards.

This article explores the changes in working opportunities and conditions for Kyrgyz women migrants in Russia during the COVID-19 pandemic. The analysis is based on data from an online survey with 298 respondents, ten in-depth interviews, and four focus group discussions. The objective is to provide an understanding of how the pandemic affected their living and working conditions.

We found that COVID-19 exacerbated the vulnerability of Kyrgyz women migrant workers. In addition to the higher risk of exposure to the virus as workers in service jobs, their financial situation was also affected due to the closure of the service sector, the layoff of staff, and the shrinking of the informal economy.

¹ L Bossavie and D Garrote-Sánchez, *Safe and Productive Migration from the Kyrgyz Republic: Lessons from the COVID-19 pandemic*, The World Bank, 2022.

² Federal Service of State Statistics, 'Population and Migration of the Russian Federation in 2021', 2022, retrieved 7 May 2023, <https://rosstat.gov.ru/compendium/document/13283>.

³ D Podolskaya, '1 Million 188 Thousand Citizens of Kyrgyzstan Work Abroad', *24.kg*, 10 February 2022, https://24.kg/obschestvo/223469_zarubezhom_rabotaet_1million_188_tysyach_grajdan_kyrgyzystana.

⁴ D Kurmanova, 'Embassy of the Kyrgyz Republic: More than half of Kyrgyz migrants in Russia are women', *Sputnik Kyrgyzstan*, 1 October 2021, <https://ru.sputnik.kg/20211001/Posolstvo-KR-bolshe-poloviny-kyrgyzskikh-migrantov-v-Rossii-zhenschiny-1054088855.html>.

⁵ International Federation for Human Rights, 'Women and Children from Kyrgyzstan Affected by Migration', September 2016, https://www.fidh.org/IMG/pdf/rapport_kyrgyzstan_uk-2-web2.pdf.

⁶ D Poletayev, 'Female Labor Migration from Tajikistan and Kyrgyzstan to Russia', *Population*, vol. 21, issue 4, 2018, pp. 68-78.

Therefore, a consequence of the global pandemic was that Kyrgyz migrant women in Russia experienced violations of their rights, as many had no formal written work agreements, lost their source of income, and, as a result, experienced food insecurity.

We begin by providing contextual information on Kyrgyzstan and an overview of literature on migrant women's working conditions before and during the pandemic. We then elaborate on the methodology of the study, followed by a presentation of the findings, and a conclusion with policy recommendations.

Migration from Kyrgyzstan to Russia

Kyrgyzstan is a lower middle-income country, with a quarter of the population living below the national poverty line.⁷ The country's economy⁸ is not very diversified and relies on agriculture, migrant remittances (32.7% of GDP),⁹ and natural resources such as gold and copper. The socio-political context of Kyrgyzstan has been volatile. Until 2020, it was the only democratic¹⁰ and partly free¹¹ country in Central Asia. Beginning in 2021, the political situation shifted in a more autocratic direction. The country experienced three revolutions—in 2005, 2010, and 2020—which led to constitutional changes and the overthrow of presidents. In the past few years, there were border conflicts with Tajikistan¹² that led to a mass displacement of people in the Batken Region in 2021 and 2022. Moreover, high density and rapid population growth led to a high demand for jobs and low supply in the labour market. Due to this, many families rely on migrant remittances, and COVID-19 exposed the severity of this dependence as many families faced hunger and poverty.¹³

⁷ World Bank, 'World Bank Open Data', 2023, <https://data.worldbank.org/>.

⁸ Global Edge, 'Kyrgyzstan', 2023, <https://globaledge.msu.edu/countries/kyrgyzstan/memo>.

⁹ World Bank, 'Personal Remittances, Received (% of GDP)—Kyrgyz Republic', World Bank Open Data, n.d., retrieved 9 May 2023, <https://data.worldbank.org>.

¹⁰ S I Lindberg (ed.), *Autocratization Turns Viral – Democracy report 2021*, V-Dem Institute, Gothenburg, 2021, https://www.v-dem.net/documents/12/dr_2021.pdf.

¹¹ Freedom House, 'Freedom in the World 2020: Kyrgyzstan', 2020, retrieved 8 July 2023, <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2020>.

¹² A Imanaliyeva, P Leonard, and K Ibragimova, 'Tens of Thousands Displaced as Tajikistan, Kyrgyzstan Conflict Rages On', *Eurasianet*, 16 September 2022, <https://eurasianet.org/tens-of-thousands-displaced-as-tajikistan-kyrgyzstan-conflict-rages-on>.

¹³ International Organization for Migration (IOM), *Kyrgyzstan: Study on the Socioeconomic Effects of COVID-19 on Returnees*, IOM, Vienna, 2021, <https://publications.iom.int/books/kyrgyzstan-study-socioeconomic-effects-covid-19-returnees>.

As a former Soviet Republic, the country has strong political and economic relations with Russia. Due to a common history and language and close ties between the two countries, migrants from Kyrgyzstan prefer Russia as a destination country for employment.¹⁴ The establishment of the EAEU, of which both countries are members, eased the procedures for Kyrgyz migrants to be able to live and work in Russia.¹⁵ At the same time, migrants from Kyrgyzstan, including women, still face numerous challenges and violations of their rights.

Academic and applied researchers have demonstrated that the situation of labour migrants in Russia is precarious.¹⁶ Migrants are subjected to ethno-racial profiling¹⁷ and used by Russian politicians to incite anti-immigrant and xenophobic sentiments.¹⁸ Furthermore, these attitudes lead to racial preferences for jobs and the exclusion of non-Slavic candidates. Outside the workplace, migrants experience difficulties accessing housing and are subjected to regular police checks.¹⁹ As a result, Central Asian migrants 'receive continuous, poignant reminders that they are not only outsiders in a legal sense but also racially alien and inferior'.²⁰ This legal precarity affects other spheres of life such as non-integration into the host society, a sense of non-belonging, physical and mental health issues, and high rates of harassment that go unreported.²¹

¹⁴ It is also the biggest host for migrants from other former Soviet states such as Tajikistan, Uzbekistan, Armenia, or Azerbaijan.

¹⁵ Tian Shan Policy Center of the American University of Central Asia, 'Three Years in the EAEU: How are the rights of labor migrants from the Kyrgyz Republic observed in the Russian Federation and the Republic of Kazakhstan?', 23 January 2019, https://auca.kg/ru/tspc_news/3638.

¹⁶ I Kuznetsova *et al.*, 'Migration and COVID-19: Challenges and Policy Responses in Kyrgyzstan', Central Asia Program, 2 December 2020, <https://centralasiaprogram.org/migration-covid-19-challenges-policy-responses-kyrgyzstan>.

¹⁷ V Agadjanian, C Menjivar, and N Zotova, 'Legality, Racialization, and Immigrants' Experience of Ethnoracial Harassment in Russia', *Social Problems*, vol. 64, issue 4, 2017, pp. 558–76, <https://doi.org/10.1093/socpro/spw042>.

¹⁸ *Ibid.*, p. 562

¹⁹ Human Rights Watch, 'Russia: Police Round Up Migrant Workers', HRW, 24 December 2019, <https://www.hrw.org/news/2019/12/24/russia-police-round-migrant-workers>.

²⁰ Agadjanian, Menjivar, and Zotova, p. 563.

²¹ V Agadjanian, B Oh, and C Menjivar, '(Il)Legality and Psychosocial Well-Being: Central Asian migrant women in Russia', *Journal of Ethnic and Migration Studies*, vol. 48, issue 1, 2022, pp. 53–73, <https://doi.org/10.1080/1369183X.2021.1872373>.

It is widely known that disasters, such as the global pandemic, have more severe consequences for disadvantaged groups under contemporary capitalism.²² Studies on the conditions of women workers across the world have pointed out various weaknesses in national policies.²³ A study on the consequences of COVID-19 on labour migrants from Kyrgyzstan, Tajikistan, and Uzbekistan showed that women were the most affected demographic;²⁴ there were similar findings in cross-national research as well.²⁵ Various structural factors have contributed to women being at a greater disadvantage. During the pandemic, women and minority group members were more likely to be affected at work; they either had reduced salaries or were fired.²⁶ Besides economic hardship, some Kyrgyz women labour migrants in Russia were abused by their fellow countrymen²⁷ in waves of so-called patriotic attacks in Moscow.²⁸ These challenges faced by women migrant workers are not captured in general surveys or labour-related economic research. Thanks to the access of NGOs to the target population, it was possible to learn more about the nuanced experiences of women migrant workers from Kyrgyzstan in Russia and assess the changes that occurred during the pandemic. Furthermore, much research focuses on gathering quantitative evidence on health-related issues and the pandemic. In this work, we show that the vulnerabilities of women migrants go beyond health-related issues, which includes consideration of the well-being of their families and dependents.

²² J Cohen and Y van der Meulen Rodgers, 'The Feminist Political Economy of Covid-19: Capitalism, women, and work', *Global Public Health*, vol. 16, issue 8–9, 2021, pp. 1381–1395, <https://doi.org/10.1080/17441692.2021.1920044>.

²³ B S Sumalatha, L D Bhat, and K P Chitra, 'Impact of Covid-19 on Informal Sector: A Study of women domestic workers in India', *The Indian Economic Journal*, vol. 69, issue 3, 2021, pp. 441–461, <https://doi.org/10.1177/00194662211023845>.

²⁴ D V Poletaev, 'Life and Health of Labor Migrants from Central Asia in Russia in the Context of the COVID-19 Pandemic', *Population and Economics*, vol. 6, issue 4, 2022, pp. 83–106, <https://doi.org/10.3897/popecon.6.e90370>.

²⁵ A Brodeur *et al.*, 'A Literature Review of the Economics of COVID-19', *Journal of Economic Surveys*, vol. 35, issue 4, 2021, pp. 1007–1044, <https://doi.org/10.1111/joes.12423>.

²⁶ Cohen and van der Meulen Rodgers.

²⁷ There have been reports of Kyrgyz men migrants committing acts of violence against Kyrgyz women migrants in Russia, including women being stoned or beaten to death, because they dated men of another nationality, for example, Tajik. These men, who called themselves 'patriots', said they wanted to 'teach the women a lesson'. See G Ibraeva, A Moldosheva, and M Ablezova, "'We Will Kill You and We Will Be Acquitted!' – Critical Discourse Analysis of a Media Case of Violence against Female Migrants from Kyrgyzstan", in T Kruessmann (ed.), *Gender in Modern Central Asia*, LIT Verlag, Zurich, 2015.

²⁸ R Gabdulhakov, 'In the Bullseye of Vigilantes: Mediated vulnerabilities of Kyrgyz labour migrants in Russia', *Media and Communication*, vol. 7, issue 2, 2019, pp. 230–241, <https://doi.org/10.17645/mac.v7i2.1927>.

Methodology

This article is based on an analysis of primary data collected through mixed research methods, which made it possible to obtain a comprehensive picture of the experiences of Kyrgyz migrant women in Russia in dealing with the consequences of the pandemic. Fieldwork was conducted by the NGO Insan-Leilek Public Foundation²⁹ that works on the issue of labour migration, and the Migrant Workers' Union that represents Kyrgyz labour migrants in foreign countries. Both organisations participated in the development of the research tools, recruitment of research participants, and data collection and validation. The data was collected by Insan-Leilek between 10 March and 25 May 2022. The data collection included an online survey with 298 respondents, four focus group discussions (FGD) with 32 participants in total, and in-depth interviews with ten women. The 32 FGD participants and 10 interviewed women were drawn from the pool of respondents who participated in the online survey.

Online Survey

The first stage of the research involved administering an online survey, which consisted of a combination of close-ended and open-ended questions. At the beginning of the survey form, participants were given information about the purpose of the study and how the confidentiality of personal data would be protected. They were asked to provide their consent by clicking on a button which then took them to the survey. The survey was conducted on the Google Forms platform, which recorded and coded the data with minimal interference by the research team.

Participants were recruited through snowball sampling. Insan-Leilek and the Migrant Workers' Union used groups in popular messaging apps like Telegram and WhatsApp to recruit Kyrgyz migrants working in Russia to share the link to the questionnaire and invite women to participate. Migrants who received the link were encouraged to forward it to their acquaintances. The age of respondents ranged from 18 to 60 years. Most of the respondents, 212, resided in Moscow, with 43 in Yekaterinburg, 27 in Novosibirsk, and 16 in other cities. Their occupations were diverse: services (22.5%), catering (23.8%), domestic work (17%), beauty services (12.8%), and others, such as retail and garment manufacturing. About

²⁹ The Insan-Leilek Public Foundation was established in August 2000 as a non-governmental non-profit organisation. Its objective is to protect the rights and interests of labour migrants. The organisation provides free legal assistance, including consulting and informing labour migrants and holding joint events with them, as well as drafting legal documents for them (such as court documents) and providing support in administrative cases. In 2019, the Migrant Workers' Union of Kyrgyzstan was created under the supervision of the Insan-Leilek Public Foundation.

40% had been in Russia between four and six years, 23% for over seven years, and the rest for less than three years.

The online survey provided quantitative data on Kyrgyz women's experiences of working abroad and the changes in the environment caused by the COVID-19 pandemic. The questionnaire was designed with Insan-Leilek's representatives and consisted of six sections focusing on: migration experience, social security, problems during COVID-19, discrimination, harassment, and abuse. The sections included questions related to attitudes, experiences, and perceptions.

Focus Group Discussions and In-depth Interviews

Focus group discussions and in-depth interviews were conducted to complement the study's quantitative data with qualitative indicators and to gather more information about the women's experiences. Using the same sampling method as the online survey, participants for the qualitative study were also recruited through the Migrant Workers' Union and messaging apps. In total, Insan-Leilek's employees conducted four focus group discussions, with eight different participants in each, with women migrants in Moscow and Yekaterinburg. The central focus of FGDs was on the challenges participants experienced before, during, and after the pandemic as well as how they overcame these obstacles. The ten in-depth interviews focused on the experiences of discrimination and violence at the workplace during the pandemic. These qualitative data elicited information about obstacles to the prevention of gender-based violence and harassment against women working in foreign countries. The in-depth interviews and FGDs took place in the offices of the Migrant Workers' Union and Insan-Leilek. All focus group discussions and interviews were recorded with the consent of the participants and transcribed. The FGDs and interviews were conducted mostly in the Kyrgyz language, except when the respondents preferred to speak in Russian.

Quantitative data obtained through the surveys was analysed using the SPSS statistical software. As the data are not representative, we did not conduct causal tests but rather provide an exploratory overview of the findings for both types of data.

Ethical Considerations

As the topics covered in the research are highly sensitive, ethical issues were considered. The data collectors, who were Insan-Leilek's employees and researchers, have experience working with women migrants and a good understanding of their living and working conditions. As a result, they could express empathy and address sensitive questions in a professional manner. This ensured the emotional sensibility of the interviewers due to strong awareness

of the context.³⁰ To decrease the emotional effect of the interviews, NGO staff had exit conversations with the respondents. The data were accessible only to the research group and kept confidential.

Limitations

The analysis is based on the data collected from migrant women living and working mainly in cities such as Moscow, Yekaterinburg, and Novosibirsk, which host the largest number of Kyrgyz migrants. However, many migrants live throughout Russia and experience different circumstances and face different issues. Recruitment of respondents was carried out through the Migrant Workers' Union and migrants' groups on social media, which affected what potential participants could be reached and their representation in the study. Furthermore, as Insan-Leilek and the Migrant Workers' Union work mostly with migrants who experience difficulties, the data may not reflect the experiences of all migrants. Thus, the results presented here are not generalisable to all Kyrgyz migrant women working in Russia. Nonetheless, they offer a comprehensive snapshot of the women's experiences as they described them.

Findings

In this section, we present the results of the quantitative and qualitative data starting from the overall experience of the Kyrgyz migrant women in Russia followed by specific challenges they faced during COVID-19.

General Situation of Kyrgyz Women Migrant Workers in Russia

The survey and FGD data show that, in most cases, respondents were forced to work in low-wage jobs. Even migrant women who had obtained qualifications or degrees from educational institutions in Kyrgyzstan faced challenges finding work in their field and worked, instead, as janitors, shop sellers, caregivers, beauticians, couriers, and so on. These professions could not provide the Kyrgyz women with adequate financial resources to ensure a decent quality of life abroad, let alone send remittances to families back home. Thus, the women did not pay much attention to their living and working conditions but only the amount of money they could earn.

³⁰ W Pearlman, 'Emotional Sensibility: Exploring the methodological and ethical implications of research participants' emotions', *American Political Science Review*, 2022, pp. 1–14, <https://doi.org/10.1017/S0003055422001253>.

More than half of the survey respondents indicated that they had no legal protection. Most did not have an employment contract that could guarantee the protection of their labour rights, leaving them vulnerable to the whims of the employers, with whom they typically only had verbal agreements. According to the women who worked without employment contracts, the primary reason was that the employers either did not offer a contract or refused to sign one. Employers typically emphasise the mutual benefits of not signing a contract, highlighting that the workers would receive a higher net amount at the end of the month, because there would be no deductions for social security, taxes, or pension. Kyrgyz migrant women also pointed out that it is easier for them to find an informal job without a contract than a formal one. As one of the respondents reported, 'I personally know many women who have been searching for official work for 1–2 years. It is a challenging process for us because it takes a considerable amount of time. Furthermore, formal jobs tend to offer lower pay rates. Additionally, having all the necessary documents is crucial, and ensuring that the migration card is in order is particularly important.'

When it comes to the employment of migrant workers, employers often violate the provisions of the labour code. A quarter of the Kyrgyz migrant women experienced a delay in the payment of their wages, half did not receive payment for overtime work, and only a fifth could access paid sick leave and paid holiday leave, according to the survey results. Participants in the in-depth interviews confirmed the findings of the survey, as one interviewee explained, 'Not all my friends ... have an employment contract. And it is difficult when there are no documents when employers force us to work three or five hours more than necessary. Because everything is oral, he can just take and delay the salary for a week, two, three, and then disappear. That is, we had no money, we just worked for free here. And for me, therefore, it was important to draw up an employment contract.' Thus, the absence of the main labour rights protection mechanism, an employment contract, does not allow Kyrgyz migrant women to exercise their rights, but forces them to work under the conditions provided by the employer. As a result, they often feel insecure.

Safety Concerns: Harassment at Work and Outside of Work

In addition to violations of their labour rights, Kyrgyz migrant women in Russia, both in domestic services and in other positions, faced even more serious cases of violations and abuses of their human rights during the pandemic. The issue of safety is multifaceted, with concerns arising both within the confines of their residences and their workplaces. The responses regarding feelings of insecurity encompassed various factors related to identity, such as being a woman or a migrant. Participants also expressed fear from hazardous working conditions involving the use of chemical elements and a lack of safety regulations. Instances of harassment and abuse from superiors, colleagues, or customers were also

mentioned as sources of insecurity. Sixty-five per cent of survey respondents encountered discrimination in the workplace, which they attributed mainly to their status as migrants (65 per cent) and women (50 per cent): 'Our boss is a man; he has a rough temper. He has a softer attitude towards male migrants.'

Intersectional vulnerability puts Kyrgyz women migrants in a position where they have no choice but to continue working while experiencing harassment and abuse. Harassment has become common and ranged from obscene jokes to sexualised violence such as rape. Forty per cent of the research participants said they had experienced comments about their bodies, obscene jokes, and sexually suggestive gestures. Twenty per cent reported violation of personal boundaries such as men touching their waist, breasts, buttocks, and other parts of the body, and 14 per cent were subjected to rape. At the same time, around half of those who experienced violations of their rights did not know where to turn for help or were afraid to talk about it, and therefore were forced to deal with the psychological and physical violence on their own. As one woman shared,

He touched me, showed signs of attention. I didn't know what to do, I couldn't tell my husband because he would blame me. Kyrgyz people have a proverb: 'If the cow doesn't wink, the bull won't break the rope'. Women saw, but didn't say anything.... I didn't know where to turn. In Russia, the worst thing is that you don't know where to turn. The Russians will simply not accept you. They will start checking you, they will scare you with deportation. We've heard about such cases. I don't want to seek help and it's impossible to seek help. I don't want to hear about the police station because they take it negatively there. I would like to see organisations in Russia, centres for the protection of migrants, and women, where we could seek help. If women worked there, it would be even better.

Shockingly, two respondents disclosed that they had experienced gang rape at their workplaces but were unable to report these incidents, as their supervisors dismissed their claims. In a distressing account, one interviewee shared that she was coerced into sexual activity outside of work. When she reported the incident to the police, she faced blackmail, and her relative had to bribe the officers to close the case. As a result, she was advised by her coworkers and sister to suppress the situation, leading to her never receiving any medical or psychological assistance. Consequently, she has internalised the belief that she must simply forget about the assault and move on without seeking the necessary support or resources.

These findings underscore the profound challenges faced by Kyrgyz migrant women in Russia, including the prevalence of unsafe working environments, discrimination, and sexual abuse. They support the findings of other studies on the working conditions and well-being of migrants in Russia, which demonstrate

that severe abuses are left neglected.³¹ The experiences of the survey participants shed light on the urgent need for comprehensive measures to address workplace safety, improve law enforcement responses, and ensure the protection of the rights and wellbeing of Kyrgyz women migrant workers. The consequences of COVID-19 described in the following section provide more evidence in support of this urgent need.

Challenges and Risks Faced by Kyrgyz Migrant Women during the COVID-19 Pandemic

The vulnerability and widespread violation of the labour rights of Kyrgyz migrant women became more visible during the COVID-19 pandemic and the ensuing crisis, which imposed certain restrictions on economic activities. Since the data collection was conducted in 2022, research participants had had time to reflect on the effects of the pandemic and draw conclusions retrospectively. The closure and suspension of businesses created new difficulties for their survival. They previously relied on a source of income from work which they used to pay for housing and food. The COVID-19 restrictions deprived them of this income, and as a result, affected all aspects of their lives.

Along with the pre-existing issues the women faced, which were aggravated by the pandemic, the survey respondents noted increased levels of anxiety and depression. Being far from their home country, where citizenship grants them social protections and relatives and acquaintances are ready to provide any kind of support, migrant women did not feel safe in Russia. The study participants highlighted several challenges they experienced during the pandemic. These can be classified into legal, financial, and psychological problems.

Due to the imposed restrictions, many Kyrgyz migrant women encountered difficulties in extending or renewing the registration at their place of residence. In most cases, migrants lived in rented apartments, where the owner did not allow them to register. The closure and suspension of businesses that, in the presence of an employment contract, allowed migrants to register in their place of work, meant that they could no longer register in that way either. Lack of address registration puts migrants at risk of being fined, placed in a Center for Temporary Detention of Foreign Citizens, or deported.

³¹ V V Kozhenov, A A Grebenyuk, and A S Maksimova, *Features of Socio-economic Adaptation of Labour Migrants from Central Asia in Russia*, Sam Poligrafist, Moscow, 2022; US Department of State, '2022 Country Reports on Human Rights Practices: Russia', Bureau of Democracy, Human Rights, and Labor, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/russia>.

Even more severe was the impact of the financial consequences of the pandemic. Quarantine measures resulted in mass layoffs of workers, and migrants were among the first to be fired. The suspension of business activities forced owners to reduce their expenditures by dismissing staff, and informally employed low-skilled migrants were fired or sent on unpaid leave on a massive scale. One woman shared,

The pandemic played such a cruel joke on us. All the time they [employers] make some adjustments in accordance with the rules, how to work, the health and epidemiological service comes very often. And because of this, when the staff is reduced, yes, it will be necessary to reduce the number of employees, they start with migrants, they are the first to be fired. Therefore, I am very afraid of this situation. There were times when I was fired, and my relatives called from home, [saying] 'will you send money? Right now, we need to pay for the kindergarten, and pay some fees to the school'. But I can't send it to them. Every month I give them most of my salary, but I didn't have it now. That's a big fear.

According to the focus group data, an employer could send 20–25 people per day on unpaid leave or fire them. Twenty per cent of survey participants were either fired or forced to suspend their labour activities for the quarantine period. As one domestic worker said, 'Everything was fine until there was a pandemic; when the pandemic began, I was asked to leave for Kyrgyzstan. But they could not put me on a plane, they needed some kind of permission to fly, and the planes did not fly yet.'

The absence of formal employment contracts made it impossible for migrants to claim any compensation for the loss of their jobs, thus leaving them with a meagre livelihood during the pandemic. As fifty per cent of survey respondents noted, their income was significantly reduced to the minimum necessary to cover daily expenses. At the same time, the price of essential goods, including foodstuffs, rose sharply. Many Kyrgyz women could not afford to buy enough food and often went hungry. One-third of the participants noted that they were forced to seek humanitarian assistance from members of the diasporic community, charity organisations, and acquaintances. One woman said, 'It was very difficult. ... Products have risen in price. ... We were left in such a vacuum, there were days when we went hungry. But our wealthy compatriots distributed humanitarian aid. It was very difficult during the pandemic.'

Hunger affected not only those who lost their jobs but also those who continued to work as domestic workers. In addition, sometimes these women found themselves in even more dangerous conditions. As one interview participant who worked as a nanny noted, 'We were not allowed to eat after 7 pm, and the owner even offered me sex in exchange for extra food'. The housing situation also worsened,

the cost of rent rose, but migrant women did not always have the means to pay rent, which led to the risk of being evicted and left homeless. Thus, 30 per cent of the focus group participants reported their fear of being left out on the street. To find a livelihood, about 16 per cent of the survey respondents turned to relatives for help, and 21 per cent found other informal and odd jobs.

Even greater issues for Kyrgyz migrant women during the pandemic were their psychological situation and mental health. In addition to the fears related to the lack of money, migrant women's psychological state was affected by interpersonal conflicts. Many lived in apartments that they shared with another 10–20 people. Isolation and restrictions on going out led to frequent disputes between neighbours, affecting the women's mental health. As one FGD participant in Yekaterinburg said, 'Long quarantine, lack of work and financial cushion brought us additional psychological unrest. This resulted in a constant headache and feelings of anxiety. Our families and children could be left without a livelihood. At this time, we needed psychological support.' Those who lived with family members were not in any better conditions. More than half of the FGD participants and 22% of the survey respondents experienced misunderstandings in the family and were subjected to domestic violence, which intensified during the lockdown.³²

The fear of getting sick and the lack of access to medical services for non-residents infected with COVID-19 contributed to the women's psychological state. Twenty-eight per cent of respondents were worried about getting infected as that would lead to job loss and medical costs. In addition, 40 per cent of survey participants noted that it was impossible for migrants infected with COVID-19 to be hospitalised and receive quality medical care. The pressure on the healthcare system forced it to focus primarily on Russian citizens, and, to a lesser extent, on migrants. Fear of the COVID-19 vaccine, which was mainly Sputnik V, also affected the women's psychological state. Since a significant portion of those who continued to work during the quarantine were engaged in the food industry, they were forced to regularly take PCR tests and even undergo compulsory vaccination; 8 of the 32 FGD participants confirmed cases of forced vaccination. Therefore, the pandemic affected all aspects of Kyrgyz migrant women's lives.

While some of the women were forced to deal with new realities of COVID-19 restrictions and job losses, a group of domestic workers, who made up about a quarter of the survey participants, faced a slightly different situation. A significant number of them continued to provide services at the employers' houses while in isolation from the employers' families. Since most women were employed without

³² A Asanova, 'All-inclusive lockdown', *Novaya Gazeta*, 2 November 2021, <https://novayagazeta.ru/articles/2021/11/02/lokdaun-vse-vkliucheno>.

a contract, more than 65% of the surveyed domestic workers were completely unprotected and employers violated their agreements. As one online survey respondent noted, 'During the pandemic, it was impossible to leave the house. I, the children, and their parents lived in the same house. After the quarantine, the owners began to work much harder, so I was left without rest and days off'.

Conclusion

This paper highlights the multitude of challenges faced by Kyrgyz women migrant workers in Russia during the COVID-19 pandemic. These difficulties encompassed job insecurity, limited work opportunities, lack of social and legal support, as well as mental strain due to lockdowns and the inability to return to their home country. The situation of women migrants from Kyrgyzstan in Russia remains exceptionally precarious. In their pursuit of better livelihoods for themselves and their families, these women had already encountered multiple violations of their labour rights. However, the pandemic exacerbated these even further. A significant number of the women are excluded from the fundamental rights to fair wages and decent working conditions, which are typically provided through formal employment contracts. Throughout the COVID-19 pandemic, they experienced various labour rights violations, including withholding of wages, denial of sick pay and annual leave, discrimination, harassment, and other forms of abuse. These abuses intensified amidst the pandemic and its aftermath. Many Kyrgyz women faced the harsh reality of mass layoffs without any form of compensation, while those who continued to work, especially domestic workers, were often exploited by their employers. Furthermore, the restrictions on movement and lockdown measures imposed in response to COVID-19 exacerbated gender-based violence and harassment. Kyrgyz women migrants not only endured verbal abuse but also faced instances of physical and sexual harassment. Compounding these challenges, the women migrant workers generally have limited awareness of their labour rights and lack knowledge of where to seek support in case of rights violations.

These findings align with previous studies on the circumstances faced by labour migrants from Central Asia in Russia, which indicate that women migrant workers continue to experience legal insecurity, which was further exacerbated during the COVID-19 pandemic. The findings demonstrate that the vulnerabilities experienced at work have profound implications for women's lives outside of work. In contrast to global policy instruments, such as the Sustainable Development Goals and the Global Compact on Migration, which oblige countries to ensure good living and working conditions for vulnerable groups of people, including migrants, we found that gender roles and gender-based discrimination worsened

among the respondents.³³ As Agadjanian *et al.* point out, migrant women's legal precarity continues and has even deteriorated.³⁴

Based on these findings, the Insan-Leilek Public Foundation, with the support of the international worker rights organisation Solidarity Center, made several recommendations to the governments of Kyrgyzstan and Russia and to NGOs supporting migrant women in Russia. It is crucial that the government of Kyrgyzstan, together with the civil society sector, raises awareness of the laws, rights, and opportunities of migrants, and ensures safe migration processes. Women need to be informed about the benefits of formal employment and should be encouraged to demand a contract with their employer. Such measures must also be implemented in the destination countries, e.g., Russia. Russian authorities also need to perform more labour inspections in locations and sectors where migrants work and fine employers who do not provide contracts that ensure the rights of workers. Government agencies should expand the creation of decent jobs for migrant women by negotiating and contracting with large enterprises to provide formal employment quotas and having direct agreements between countries.

Another way of protecting the labour rights of Kyrgyz migrant women could be trade union membership. The Migrant Workers' Union of Kyrgyzstan, established in 2019, actively operates in Russia, helping to resolve not only issues related to registration but also providing legal assistance in resolving issues with employers. Despite ongoing promotional activities, not all migrant women are aware of this trade union, and an even smaller proportion are members. The role of trade unions, including the Migrant Workers' Union of Kyrgyzstan, in protecting the labour rights of migrant workers should also be strengthened. Migrant women should be informed about the benefits of trade union membership. Furthermore, state and non-governmental organisations should set up crisis centres for migrants that provide various types of assistance such as psychological, medical, or legal aid as well as shelter and recovery. Equal attention should be paid to the pre-departure training of Kyrgyz migrant women, which should include information about defending and asserting their rights.

The pandemic has exacerbated the situation of women migrant workers from Kyrgyzstan in the host country, which affected their quality of life and the protection of their human and labour rights. To ensure that the rights of women workers abroad are respected in crisis situations, government and non-governmental organisations should intensify their efforts to create conditions for safe migration.

³³ T Alon *et al.*, *The Impact of COVID-19 on Gender Equality*, Working Paper 26947, National Bureau of Economic Research, Cambridge, MA, 2020, <https://doi.org/10.3386/w26947>.

³⁴ Agadjanian, Menjívar, and Zotova.

Overall, our paper underscores the importance of formulating comprehensive policies that address the multifaceted challenges faced by women migrant workers. By taking these recommendations into account, policymakers can work towards creating a more inclusive and equitable environment for all migrant workers.

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No One Wants to Hire Us: The intersectional precarity experienced by Venezuelan LGBTQ+ asylum seekers in Brazil during COVID-19

Yvonne Su

Abstract

This article presents a case study of how COVID-19 has increased the precarity and risks of labour exploitation for vulnerable populations. Looking at the situation of LGBTQ+ Venezuelan asylum seekers in Brazil during COVID-19, it examines how the challenges they faced were exacerbated during the pandemic and how the Brazilian government's poor response to COVID-19 and lockdown policies forced LGBTQ+ Venezuelan asylum seekers to take greater risks that exposed them to the virus. Based on 56 surveys with LGBTQ+ Venezuelan asylum seekers in Manaus, Brazil, the article discusses how COVID-19 impacted the livelihoods of LGBTQ+ Venezuelan asylum seekers. Specifically, it demonstrates that transgender and *travesti* Venezuelan asylum seekers experienced more labour precarity, discrimination, and violence during the pandemic than their cisgender counterparts.

Keywords: LGBTQ+ rights, Venezuela, Brazil, livelihoods, COVID-19, asylum seekers

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Introduction

Global responses to the COVID-19 pandemic and post-pandemic recovery have largely failed to consider the unique needs and challenges that LGBTQ+ (lesbian, gay, bisexual, transgender, and queer) populations face.¹ This sidelining of LGBTQ+ concerns from the international discourse is significant because research has shown that this population is particularly vulnerable to crises like a pandemic.² The United Nations Office of the High Commissioner for Human Rights (OHCHR) noted that, 'In all latitudes, LGBT persons are disproportionately represented in the ranks of the poor, people experiencing homelessness, and those without healthcare, meaning that they may be particularly affected as a result of the pandemic'.³ These concerns are compounded for LGBTQ+ individuals with precarious legal status as asylum seekers, refugees, or migrants.⁴ And all of this is compounded by stigmatisation of both LGBTQ+ individuals and migrants being seen as responsible for spreading the virus, an attitude that was particularly prevalent at the start of the pandemic.⁵

To understand the impacts of COVID-19 on LGBTQ+ asylum seekers, I draw on findings from 56 surveys with LGBTQ+ Venezuelan asylum seekers in Manaus, Brazil. I examine its impact on their livelihoods, focusing on the sectors in which they worked before and during the pandemic and changes in their monthly income. Specifically, I investigate the challenges they face finding jobs because of the intersectional precarity they experience due to their overlapping social locations as asylum seekers, Venezuelans, and gender or sexual minorities. I also explore

¹ OHCHR, 'COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States', 14 May 2020, <https://www.ohchr.org/en/statements/2020/05/covid-19-suffering-and-resilience-lgbt-persons-must-be-visible-and-inform>.

² OHCHR, 'The Impact of the COVID-19 Pandemic on the Human Rights of LGBT Persons', 2020, <https://www.ohchr.org/sites/default/files/ImpactCOVID19LGBTpersons.pdf>; G Reid, 'LGBTQ Inequality and Vulnerability in the Pandemic', Human Rights Watch, 18 June 2020, <https://www.hrw.org/news/2020/06/18/lgbtq-inequality-and-vulnerability-pandemic>.

³ OHCHR, 'COVID-19: The suffering and resilience of LGBT persons'.

⁴ Reid; see also: Y Cowper-Smith, Y Su, and T Valiquette, 'Masks Are for Sissies: The story of LGBTQI+ asylum seekers in Brazil during COVID-19', *Journal of Gender Studies*, vol. 31, issue 6, 2022, pp. 755–769, <https://doi.org/10.1080/09589236.2021.1949970>.

⁵ *Ibid.*; see also: S Vertovec, 'Covid-19 and Enduring Stigma', Max-Planck-Gesellschaft, 27 April 2020, <https://www.mpg.de/14741776/covid-19-and-enduring-stigma>.

the difference between cisgender and transgender and *travesti*⁶ Venezuelan asylum seekers and whether their gender identities make a difference in terms of facing more or less intersectional precarity.

Context

Since 2014, 7.18 million Venezuelans have left due to the country's ongoing economic and political crisis.⁷ In 2018, inflation in Venezuela exceeded 1 million per cent and medicine for conditions ranging from headache to cancer were unavailable.⁸ Even before the COVID-19 pandemic, Venezuela was known to have a collapsed healthcare system. According to the NGO Venezuelan Finance Observatory, the average monthly minimum wage is around USD 15, while a basket of goods covering the monthly needs of a family of five was USD 370 at the end of September 2022.⁹

More than 84 per cent of Venezuelans who fled went to other Latin American countries, with many choosing Brazil due to its booming economy¹⁰ and its reputation as a migrant-receiving state, specifically after it opened its borders to Haitians on humanitarian grounds in 2010.¹¹ For LGBTQ+ Venezuelans, Brazil also has the allure of progress on LGBT rights and of having Latin America's largest LGBT community.¹² The country's LGBTQ+ positive and migrant-

⁶ *Travesti* is a term used in Latin America to describe 'people who want to look and feel... like women, without giving up some of their male characteristics, such as their genitals. *Travestis* are neither transsexuals nor transvestites, but *travesti*, the term they self-identity with' from J Vartabedian, *Brazilian 'Travesti' Migration: Gender, Sexualities and Embodiment Experiences*, Palgrave Macmillan, Cham, 2018.

⁷ R4V, 'R4V Latin America and the Caribbean. Venezuelan Refugees and Migrants in the Region – Jan 2023', 27 February 2023, retrieved 22 March 2023, <https://www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-jan-2023>.

⁸ S Kinoshian and V Sequera, 'Explainer: Why Venezuela's refugee exodus to the U.S. has been accelerating', *Reuters*, 19 October 2022, <https://www.reuters.com/world/americas/why-venezuelas-refugee-exodus-us-has-been-accelerating-2022-10-18>.

⁹ *Ibid.*

¹⁰ C Malleret, 'Brazil Edges Back Up the Global Economies Ranking', *The Brazilian Report*, 2 June 2022, <https://brazilian.report/liveblog/politics-insider/2022/06/02/brazil-ranking-top-economies>.

¹¹ L N Kingston, 'Haitians Seeking Refuge in Brazil', *Peace Review*, vol. 28, issue 4, 2016, pp. 482–489, <https://doi.org/10.1080/10402659.2016.1237118>.

¹² O G Encarnación, *Out in the Periphery: Latin America's gay rights revolution*, Oxford University Press, New York, 2016.

welcoming reputation, however, is in contrast with the reality on the ground, especially since the election of ultra-conservative president Bolsonaro in 2019.

As COVID-19 infection rates grew exponentially around the world, countries closed their borders to stop the spread of the virus. Bordering nine countries, Brazil was quick to close its borders—first with Venezuela, citing concerns that the health services in the northern state of Roraima were already overburdened by the influx of Venezuelans,¹³ followed by its other borders. Shutting down the border deterred Venezuelan asylum seekers and migrants from entering Brazil through official routes. However, it did not prevent crossings but only forced people to take more dangerous, informal routes. These routes, called *trochas*, are informal paths across borders that are often run or controlled by criminal gangs and paramilitary groups. As a result, it is common for travellers to suffer violence, exploitation, theft, extortion, and sexual violence.

Venezuelans crossing the border in the state of Roraima generally make their way to Manaus, the closest major city and the capital of the state of Amazonas. In 2020, Manaus also became one of the world's COVID-19 epicentres. From April 2020 to January 2021, the city made international headlines as waves of COVID-19 led to high death tolls,¹⁴ mass graves,¹⁵ and hospitals running out of oxygen.¹⁶ As of 23 January 2023, according to Johns Hopkins University's Coronavirus Resource Center, Brazil has had over 36 million confirmed COVID-19 cases and 696,257 people have died from the virus, making it the country with the highest number of deaths, after the United States.¹⁷

The reason for the high death toll is due to the then president Jair Bolsonaro's denial of the pandemic. President Bolsonaro repeatedly downplayed the severity of the pandemic, even after he caught COVID-19 himself. His denial and lack of response were so concerning that the World Health Organization declared

¹³ Reuters staff, 'Brazil Partially Closing Venezuela Border, Allowing Trucks', *Reuters*, 17 March 2020, <https://www.reuters.com/article/us-health-coronavirus-brazil-venezuela-idUSKBN2143ZS>.

¹⁴ T Phillips and F Maisonnave, "'Utter Disaster': Manaus Fills Mass Graves as Covid-19 Hits the Amazon', *The Guardian*, 3 April 2020, retrieved 17 April 2021, <https://www.theguardian.com/world/2020/apr/30/brazil-manaus-coronavirus-mass-graves>.

¹⁵ *Ibid.*

¹⁶ J Ledur, 'The Arduous Path for Oxygen to Reach the Sick in One of Brazil's Most Remote Regions', *The Washington Post*, 11 February 2021, <https://www.washingtonpost.com/graphics/2021/world/manaus-amazonas-coronavirus-medical-oxygen-shortage>.

¹⁷ Johns Hopkins University Coronavirus Resource Centre, 'Mortality Analyses', *Johns Hopkins University*, retrieved 23 January 2023, <https://coronavirus.jhu.edu/data/mortality>.

Brazil's COVID-19 situation to be affecting its neighbours.¹⁸

Not only was President Bolsonaro's COVID-19 response inadequate, it was also strongly homophobic.¹⁹ He used the common homophobic slurs 'fairies' and 'sissies' when referring to people wearing masks and fearing the virus.²⁰ As a right-wing and ultra-conservative president, Bolsonaro fostered a strong anti-gay movement, and this environment was extremely hostile and threatening to LGBTQ+ Venezuelan asylum seekers who had very little social, political, cultural, and economic power.

It is also important to highlight that while cisgender, heterosexual migrants faced discrimination, violence, and xenophobia during COVID-19, LGBTQ+ asylum seekers faced even greater precarity, especially in a country like Brazil. The main reason is their social location as a sexual and gender minority in a homophobic and transphobic country with the largest number of trans people killed for the thirteenth year in a row in 2021.²¹ In terms of labour precarity and discrimination in the workplace, LGBTQ+ people often face higher rates of unemployment and underemployment than cisgender, heterosexual people.²² They are also more likely to live in poverty and suffer economic instability.²³ LGBTQ+ asylum seekers are also more likely to face barriers to accessing healthcare, housing, and social support due to discrimination, homophobia, and transphobia. Thus, LGBTQ+ asylum seekers and migrants face heightened discrimination due to the intersections of their migration status and sexual orientation and gender identity.

¹⁸ T Phillips, U Goñi, and J P Daniels, "The Heart of Darkness": Neighbors shun Brazil over Covid response', *The Guardian*, 30 March 2021, <https://www.theguardian.com/global-development/2021/mar/30/neighbors-shun-brazil-covid-response-bolsonaro>.

¹⁹ Cowper-Smith, Su, and Valiquette.

²⁰ A N Farzan and M Berger, 'Bolsonaro Says Brazilians Must Not Be "Sissies" About Coronavirus, as "All of Us Are Going to Die One Day"', *The Washington Post*, 11 November 2020, <https://www.washingtonpost.com/world/2020/11/11/bolsonaro-coronavirus-brazil-quotes>.

²¹ E Pinheiro, 'Brazil Continues to Be the Country with the Largest Number of Trans People killed', *Pulitzer Center*, 24 January 2022, <https://pulitzercenter.org/stories/brazil-continues-be-country-largest-number-trans-people-killed>.

²² M V L Badgett, L E Durso and A Schneebaum, 'New Patterns of Poverty in the Lesbian, Gay and Bisexual Community', UCLA School of Law Williams Institute, June 2013, <https://williamsinstitute.law.ucla.edu/publications/lgb-patterns-of-poverty>.

²³ *Ibid.*

Intersectional Precarity

The concept of intersectional precarity combines Kimberlé Crenshaw's theory of intersectionality with Elena Fiddian-Qasmiyeh's concept of overlapping precarity to examine the unique experiences of vulnerable populations, such as Venezuelan LGBTQ+ asylum seekers, who face precarity because of their multiple and intersecting social locations. In this paper, I use Schaap *et al.*'s definition of precarity as a situation where predictability, security, and social supports are absent.²⁴

Crenshaw's theory of intersectionality is a framework for understanding how different aspects of a person's identity, such as race, gender, class, and sexuality, converge to create specific identities and social positions.²⁵ This framework emphasises the importance of understanding how individuals may experience discrimination in unique and complex ways that cannot be solely attributed to a single aspect of their identity.

Elena Fiddian-Qasmiyeh's concept of overlapping precarity highlights the compounding forms of precarity faced by displaced and dispossessed populations in situations like refugee camps during the COVID-19 pandemic.²⁶ Fiddian-Qasmiyeh states poignantly that 'as has been noted among the members of communities living in poverty around the world, the risk of contracting Covid-19 is parallel, or indeed surpassed, by the risks of destitution and starvation arising from different policies and political decisions being implemented on different scales'.²⁷ Through the case study of how Palestinian, Syrian, Iraqi, Kurdish, and Lebanese refugees in Beddawi camp coped with COVID-19, Fiddian-Qasmiyeh illuminates how policies such as social distancing created new forms of marginalisation, as refugees living in overcrowded camps could not distance. Syrian refugees also experienced discrimination in that they were racially profiled for COVID-19 tests by the Lebanese government, contributing to rumours that Syrian refugees were the ones to import the virus to Beddawi camp. Thus, Fiddian-Qasmiyeh

²⁴ A Schaap *et al.*, 'The Politics of Precarity', *Contemporary Political Theory*, vol. 21, 2022, pp. 142–173, <https://doi.org/10.1057/s41296-020-00435-z>.

²⁵ K Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics', *University of Chicago Legal Forum*, vol. 1, 1989, pp. 139–167; K Crenshaw, 'Mapping the Margins: Intersectionality, identity politics, and violence against women of colour', *Stanford Law Review*, vol. 43, issue 6, 1991, pp. 1241–1299.

²⁶ E Fiddian-Qasmiyeh, 'Responding to Precarity: Beddawi camp in the era of Covid-19', *Journal of Palestine Studies*, vol. 49, issue 4, 2020, pp. 27–35, <https://doi.org/10.1525/jps.2020.49.4.27>.

²⁷ *Ibid.*, p. 31.

underscores how policies and social systems can create situations of overlapping precarities that further marginalise vulnerable groups, exacerbating their existing vulnerabilities.

Both Crenshaw and Fiddian-Qasmiyeh draw attention to the importance of considering the intersections of different identities to fully understand and address people's vulnerability and insecurity instead of treating each aspect of their identity in isolation. The intersectional precarity Venezuelan LGBTQ+ asylum seekers faced when trying to find employment was particularly compounded during the pandemic, as viruses have historically been thinly veiled excuses for latent xenophobia and nativism.²⁸

The combination of intersectionality and overlapping precarity theories allow for a more comprehensive understanding of the challenges Venezuelan LGBTQ+ asylum seekers faced in their search for employment and safety during the pandemic. By acknowledging the intersecting and compounding factors that contribute to their precarity, scholars, policymakers, and humanitarian actors can better recognise the need for tailored solutions and policies that address these multiple dimensions of vulnerability. Moreover, the examination of their experiences through this lens can contribute to a better comprehension of the complexities of their struggles and develop more inclusive and effective strategies to support their well-being and resilience.

Methods and Site Selection

The aim of the research on which this paper is based was to understand the impact of COVID-19 on Venezuelan LGBTQ+ asylum seekers in Brazil. The research was conducted with the support of Casa Miga, the only LGBTQ+ refugee shelter in Brazil and one of the only in Latin America. In 2018, as more Venezuelan asylum seekers entered Brazil, it was clear that the UN Refugee Agency (UNHCR) needed support from outside organisations, particularly when it came to refugees other than women and children which the humanitarian system was well designed to support. Recognising this gap, a local Brazilian charity in Manaus, Manifest LGBT, started Casa Miga as a non-profit shelter run by LGBTQ+ volunteers and supported by funds and resources from the UNHCR and private donations. When Casa Miga opened its doors, there was an overwhelming demand for their 30 beds, so they had to limit the stay of LGBTQ+ asylum seekers to a maximum of three months.

²⁸ A I R White, 'Xenophobia, Prejudice, and Blame in Pandemic Times', *The Lancet*, 5 February 2022, [https://doi.org/10.1016/S0140-6736\(22\)00197-0](https://doi.org/10.1016/S0140-6736(22)00197-0).

When Manaus became a global epicentre of COVID-19, Casa Miga became not just a shelter for its LGBTQ+ asylum seeker residents but one of the only places they felt safe—from both the virus as well as homophobic and xenophobic threats. Given the precarious situation that Venezuelan LGBTQ+ asylum seekers were in during the pandemic, I felt the best way to maintain respondents' confidentiality and safety was to partner with the staff of Casa Miga and train their manager in research methods and research ethics, so he could conduct the surveys with current and former residents of the shelter. The Casa Miga manager, staff, and I thought it was best to have the manager, who is a native Spanish speaker, conduct the interviews because of the sensitive nature of some of the questions such as 'How did COVID-19 impact your livelihood?', 'Did you experience any discrimination or violence during COVID-19?', and 'How did your income change during COVID-19?' We believed respondents would feel more comfortable answering these questions when asked by someone they were familiar with and in their first language, Spanish.

The research was approved by York University's Office of Research Ethics and was fully compliant with the ethics of conducting research with vulnerable populations. Informed consent was asked from the respondents, and only pseudonyms were used to protect their identity. Due to pandemic lockdown measures and an abundance of caution, all surveys were conducted over the phone or Zoom and lasted around 30 minutes to 1 hour. All surveys were conducted in Spanish and audio-recorded. The manager of Casa Miga then listened to the recordings and translated the answers to the open-ended questions from Spanish to English.

In total, 56 surveys with LGBTQ+ Venezuelan asylum seekers were conducted in Manaus between June and August 2021. While respondents were largely recruited through Casa Miga's network and current and former resident list, there was an attempt to reach a diversity of respondents based on gender identity and sexual orientation. In total, the respondent breakdown in terms of gender was 36 cisgender men, seven cisgender women, ten trans women, two trans men, and one *travesti*. The respondent breakdown based on sexual orientation was six who identified as lesbian, 31 who identified as gay, 13 who identified as bisexual, and six who identified as straight.

The data was downloaded from the Qualtrics platform and cleaned. Then, an intersectional lens was applied that considered gender, sexual orientation, and migrant status to examine how COVID-19 impacted LGBTQ+ Venezuelan asylum seekers.

Findings

Impact of COVID-19 on Livelihoods and Monthly Income

Before COVID-19, most respondents (38%) worked in the hospitality sector, with jobs such as hotel staff, waiters, and cooks (see Table 1). Another 26% were engaged in informal jobs such as selling water on the streets, daily wage work, and sex work. Others were employed in professional services (9%), technical jobs (7%), or the beauty industry (14%). The beauty industry is important to highlight as most trans people and *travesti* are accepted in that line of work and it is one of the only formal jobs that trans folks can do in Brazil. Only one respondent reported receiving remittances from their family, while 4% were not working before COVID-19.

During the pandemic, the distribution of employment sectors shifted due to the closure of restaurants and stores as a result of the lockdown. The number of respondents employed in the hospitality sector decreased by 13%, while the percentage of those working in the informal labour sector decreased by 9%. The number of respondents working in the beauty business was reduced by half, while those working in professional services, technical jobs, and sex work remained relatively unchanged.

The biggest change was the number of people who reported having no work, which increased eight-fold from 2 to 16 respondents, meaning 29% of the respondents were unemployed during the pandemic. Despite the high percentage of unemployment, only four respondents reported the government’s COVID-19 Emergency Aid as their source of livelihood. Most respondents reported they either did not know about the government’s Emergency Aid or did not have the proper documents required to apply for the funds.

Table 1: Sources of Livelihood Before and During COVID-19

Sector	Types of Jobs	Before COVID-19 (n=56)	During COVID-19 (n=56)
Hospitality	<ul style="list-style-type: none">- Hotel staff- Waiter- Cook	21 (38%)	14 (25%)
Informal Jobs	<ul style="list-style-type: none">- Selling water on the streets- Daily wage work- Street vendor	13 (23%)	8 (14%)
Beauty Industry	<ul style="list-style-type: none">- Hairdresser- Beautician	8 (14%)	4 (7%)
Professional Services	<ul style="list-style-type: none">- Teacher- Consultant	5 (9%)	3 (5%)

Technical Jobs	- Car mechanic - Bricklayer	4 (7%)	5 (9%)
Sex work	- Sex worker	2 (3%)	1 (2%)
Remittances	- Funds from family	1 (2%)	1 (2%)
No work		2 (4%)	16 (29%)
Government Emergency Aid		0%	4 (7%)

As noted above, the asylum process was halted at the start of the pandemic, which meant most asylum seekers' documents expired, or respondents did not have documents because they had crossed illegally after the border had been closed. The latter was the case for six respondents who had crossed the border during the pandemic through *trochas* (informal paths). Alex, a young gay man shared, 'I used to work on the border and decided to come to Brazil with *trocha* with BRL 100 in my pocket.'²⁹ These journeys, however, were not always unidirectional. James, a young bisexual Venezuelan, explained how he had crossed the border a few times: 'A cousin brought me three years ago by car. I returned to Venezuela, and then during the pandemic I came by bus to the border and from the border I came by *trocha*, and after the *trocha* I came by bus to Manaus'.³⁰ The *trochas* in Pacaraima at the Brazilian-Venezuelan border can be seen in Image 1.



Image 1: The *trochas* are the visible paths between borders. Here they are at the Brazilian-Venezuelan border at Pacaraima. Photo credit: Yvonne Su.

²⁹ Survey, 10 August 2021. All names used in the paper are pseudonyms to protect the identities of the respondents.

³⁰ Survey, 26 July 2021.

In terms of monthly income, most respondents (75%) reported earnings above BRL 600 (USD 115) before the pandemic (see Table 2). This number decreased to 52% during the pandemic. In contrast, the number of respondents earning nothing increased eight-fold which correlates with the increase in the number of respondents who reported having no work during the pandemic. Without savings and reliant on precarious daily wage jobs, LGBTQ+ Venezuelan asylum seekers without any work during the pandemic struggled to make ends meet. When asked ‘Do you have enough food to eat every day?’, only 9 (16%) reported they did not have enough food to eat every day before the pandemic, but that number almost tripled during the pandemic to 25 (45%). This is particularly acute for the respondents who reported having a monthly income of ‘nothing’ during COVID-19. Johnny, an older gay man, explained that he does not have enough food to eat because ‘of the economic crisis and the lack of jobs and prejudice against LGBT [people]’.³¹ Evidently, LGBTQ+ Venezuelan asylum seekers were greatly impacted by COVID-19 and the pandemic measures that led to the closure of businesses and the end of their livelihoods which were largely dependent on customer-facing jobs in the informal labour sector.

Table 2: Monthly Income Before and During COVID-19

Monthly Income	Before COVID-19 (n=56)	During COVID-19 (n=56)
Nothing	2 (4%)	16 (28%)
Below BRL 300 (USD 57)	8 (14%)	4 (7%)
Between BRL 300 and 600 (USD 57-115)	4 (7%)	7 (13%)
Above BRL 600 (USD 115)	42 (75%)	29 (52%)

When asked about how COVID-19 had impacted their livelihoods (Table 3), respondents most frequently answered³² that COVID-19 ‘caused my livelihood to be unsafe’ (27%). They also responded that the pandemic ‘caused me to risk my life to make a living’ (25%), ‘eliminated my source of livelihood’ (25%), and ‘caused my livelihood to be banned’ (22%).

Luis, an older gay Venezuelan, shared that, ‘The pandemic affected my work, which was in the city centre, and with the ban on going out on the street, there were not many people out and sales dropped, and I couldn’t pay my debts’.³³ Similarly, Angel, a trans woman sex worker, explained, ‘At the beginning of the

³¹ Survey, 2 July 2021.

³² Respondents were allowed to choose multiple responses to the question ‘How did COVID-19 impact your livelihood?’.

³³ Survey, 25 June 2021.

pandemic, I worked in prostitution, and I needed to have contact with people, and with the prohibition of movement, I couldn't find any clients'.³⁴

Table 3: The Impact of COVID-19 on the Livelihoods of LGBTQ+ Venezuelan Asylum Seekers

How did COVID-19 impact your livelihood?	Number of Responses (n= 154) (multiple selections allowed)
Eliminated my source of livelihood	38 (25%)
Caused my source of livelihood to be banned	34 (22%)
Caused my source of livelihood to be unsafe	42 (27%)
Caused me to risk my life to make a living	38 (25%)
Did not have an impact	2 (1%)
Improved my sources of livelihood	0

Only 1% of respondents reported that COVID-19 did not impact their livelihoods, and no one said the pandemic improved their livelihoods.

Higher Risk of Unemployment, Labour Exploitation, and COVID-19 Exposure

The intersectional precarity LGBTQ+ Venezuelan asylum seekers faced as 1) a sexual or gender minority, 2) a foreigner, and 3) an asylum seeker or undocumented migrant overlapped to disproportionately impact their livelihoods during COVID-19. Respondents shared that it was very challenging to find employment during the pandemic. Beth, a middle-aged lesbian, shared, 'I am 5 months without a job. It's hard to get a job in Brazil as a Venezuelan as no one responds to my job applications'.³⁵ Likewise, Maria, a young trans woman, shared 'I've been out of work for 5 months. I think because of my sexuality I cannot get a job'.³⁶ But unemployment can be complicated for those who are undocumented or do not have updated papers because the refugee determination process had been paused. Jose, an older gay Venezuelan, explained, 'I lost my job 3 weeks ago but due to lack of documentation, I can't get a new job'.³⁷

³⁴ Survey, 15 August 2021.

³⁵ Survey, 28 August 2021.

³⁶ Survey, 12 August 2021.

³⁷ Survey, 23 July 2021.

In addition, the pandemic pushed LGBTQ+ Venezuelan asylum seekers to take greater risks and made them more vulnerable to labour exploitation. Anna, a young, divorced, lesbian single mother, shared that when the pandemic closed the restaurant where she was working and there was no one to care for her son, she had to resort to selling sweets and bottled water on the streets to make a living. Anna was aware of the danger of doing this, noting that, ‘When I was fired, I ended up having to go sell things on the streets and it was not safe for me or my young son’.³⁸ Similarly, Evelyn, a middle-aged trans woman, noted ‘No one wants to hire us. During COVID-19 everyone was fired, and I ended up going into debt. The only income I could get was from selling lemonade on the street, and sometimes there is no one on the streets, and it is very scary for me.’³⁹ Evelyn explained that she believes local business owners may have associated LGBTQ+ migrants with the spread of COVID-19 because in the early days, when everything was closed and everyone stayed indoors, it was LGBTQ+ asylum seekers and migrants and other people from vulnerable groups like herself who were forced to work on the street. So, locals may have seen them on the street and assumed they were not being careful regarding COVID-19, and thus spreading the virus. This observation was also brought up by two gay respondents who both shared that they faced many rejections from jobs, but also from people generally, because of the fake social media stories circulating in the early days of the pandemic blaming the LGBTQ+ community for spreading the virus.⁴⁰

In addition to labour discrimination, respondents faced labour exploitation as well. Manuel, a bisexual man, explained that, ‘At the beginning of the pandemic, I was working at a store and sales fell, so they fired the employees. I asked the boss if I could stay. That I would work for free in exchange for food. He said yes and I worked like that for a few months, but once sales started to improve, I asked him for a salary and he refused, so I resigned.’⁴¹ This experience left Manuel feeling discouraged about his future job prospects, but his concerns were common among the respondents, many of whom shared they had been waiting on employment for months, and some even years.

In addition to higher exposure to unemployment and labour exploitation, respondents faced increased COVID-19 exposure because they were more likely to work in people-facing service industry positions which could more readily expose them to the virus. Twenty-one respondents (38%) contracted COVID-19 and 3 (5%) caught COVID-19 twice in one year. Miguel, a young gay man, shared he got COVID-19 twice—the first time from his job at a hotel and the second from

³⁸ Survey, 10 June 2021.

³⁹ Survey, 1 July 2021.

⁴⁰ Cowper-Smith, Su, and Valiquette.

⁴¹ Survey, 19 June 2021.

his job as a barista.⁴² Similarly, Rosa, a middle-aged trans woman, shared: ‘They had to close the store where I worked, and the stores closed one by one, and always changing jobs made me constantly exposed to the virus.’⁴³ Lastly, Peter, a young gay man, shared that both he and his parents lost their jobs during the pandemic, so he felt a great deal of responsibility to find new work. When an opportunity came up to move to a neighbouring state for a job in a slaughterhouse, he took it, aware that moving to a new state during COVID-19 and taking up a job in a slaughterhouse would bring both workplace safety and COVID-19 risks. Nevertheless, he noted: ‘In the factory, we worked very close to each other, so I was always scared of catching the virus’. Peter eventually caught COVID-19 at his workplace.⁴⁴ As Fiddian-Qasmieh pointed out, for those living in poverty, the risk of contracting the virus is the same or surpassed by the risk of starvation. With 45% of respondents reporting that they did not have enough to eat daily during the pandemic, starvation was a serious threat for many LGBTQ+ Venezuelan asylum seekers in Brazil.

Increased Precarity of Transgender and Travesti Venezuelan Asylum Seekers

A major finding of this study are the differences experienced by cisgender and transgender and *travesti* Venezuelan asylum seekers in terms of labour precarity, discrimination, and violence during the pandemic.

In terms of labour precarity (see Table 4), transgender and *travesti* respondents experienced more hardships during the pandemic than their cisgender counterparts. The percentage of transgender and *travesti* respondents who reported having their source of livelihood eliminated by the pandemic was 10% higher than that of cisgender respondents. In addition, 12% more transgender and *travesti* respondents reported that the pandemic caused them to risk their lives to make a living. While more cisgender Venezuelan respondents reported that the pandemic caused their source of livelihood to be unsafe, this may be a matter of subjective interpretation as the term ‘unsafe’ was not well defined in the survey. Lastly, while two cisgender respondents noted the pandemic had no impact on their sources of livelihood, all transgender and *travesti* respondents said their livelihoods were impacted.

⁴² Survey, 7 July 2021.

⁴³ Survey, 28 June 2021.

⁴⁴ Survey, 2 August 2021.

Table 4: The Impact of COVID-19 on the Livelihoods of Cisgender and Transgender and *Travesti* Respondents

	Eliminated my source of livelihood	Caused my source of livelihood to be unsafe	Caused me to risk my life to make a living	Did not have an impact
Cisgender (n=43)	29 (67%)	34 (79%)	28 (65%)	2 (10%)
Transgender and <i>Travesti</i> (n=13)	10 (77%)	8 (62%)	10 (77%)	0 (0%)

In terms of risking their lives to make a living, Venezuelan trans women asylum seekers in sex work shared experiences of brutal physical violence in their work during COVID-19. Monica, a young trans woman, shared: ‘The pandemic affected me because I lost my job and my parents lost their jobs. I had to travel to several cities to find jobs to support my family. I did small manual labour jobs and worked in prostitution’.⁴⁵ Monica shared that she and her co-worker who was also engaged in sex work had to take greater risks during the pandemic due to a lack of clients. She explained that before the pandemic she could work with clients she was already familiar with and have sex with them at the pimp’s house where the other women worked. With lockdowns, however, she had to meet new clients, often online, who wanted her to visit their homes. One client said he had a friend who was also interested, but Monica and her co-worker had to go to his house. Despite the risk, the women went because they felt safer going to a stranger’s house together, and they needed the income. But when the agreed upon services had been met, the men refused to pay them and beat them up before throwing them out on the street. The experience left Monica and her co-worker traumatised, and they stopped visiting clients in their homes.

The dangers of sex work during the pandemic and in general are clear as Serena, the other trans sex worker respondent surveyed, shared: ‘The biggest challenge we face here as Venezuelan sex workers is xenophobia, transphobia by some of the clients, fear of going out with people we don’t know, that some things can happen to us, such as deaths that have already happened to transgender people. There have been many murders of Venezuelans, and during the pandemic, it has become very dangerous for us, and violence is a risk we run every day because we work on the streets.’⁴⁶ Serena also shared that she heard of Venezuelan trans sex workers who, during COVID-19, were brought to mines in the Amazon by their pimps to have sex with the miners. She heard that protection was often not used, and the women frequently returned with sexually transmitted and blood-borne infections (STBBIs). Worse still, they were often not paid the rate they were

⁴⁵ Survey, 16 July 2021.

⁴⁶ Survey, 2 August 2021.

promised, and thus, due to the coercion and violence they faced, this type of sex work may constitute a form of trafficking. Serena's story was corroborated by the United States Department of State's 2022 *Trafficking in Persons Report* on Venezuela, which discussed how Venezuelan women and girls in countries like Brazil were forced to engage in sex work in mining areas, often in illegal mining operations.⁴⁷

Additionally, the findings show that transgender and *travesti* respondents faced higher increases in both discrimination (see Table 5) and violence (see Table 6) during the pandemic than their cisgender counterparts. While 42% of cisgender respondents reported facing discrimination before COVID-19, that number decreased to 40% during the pandemic, and only 33% reported facing discrimination before and during COVID-19. A middle-aged gay man, Robert, shared that he faced discrimination before the pandemic because 'of the culture and language, and there was a lot of discrimination because of the pronunciation of the language'.⁴⁸ Most of the other cisgender respondents reported discrimination in the form of name-calling and workplace discrimination. A middle-aged lesbian respondent, Joanne, shared that she faced discrimination finding work during the pandemic because she is Venezuelan.⁴⁹ For transgender and *travesti* respondents, 31% reported experiencing discrimination before COVID-19, but that number increased during the pandemic to 54%; additionally, 31% reported experiencing discrimination both before and during COVID-19. A young trans woman, Alicia, said she faced discrimination during the pandemic 'because of lack of job opportunities due to my nationality and my sexuality'.⁵⁰

Table 5: Differences in Experiences of Discrimination Before and During COVID-19 for Cisgender and Transgender and *Travesti* Respondents

	Before COVID-19	During COVID-19	Both before and during COVID-19
Cisgender (n=43)	18 (42%)	17 (40%)	14 (33%)
Transgender and <i>Travesti</i> (n=13)	4 (31%)	7 (54%)	4 (31%)

⁴⁷ Office to Monitor and Combat Trafficking in Persons, 2022 *Trafficking in Persons Report: Venezuela*, US Department of State, Washington, 2022, <https://www.state.gov/reports/2022-trafficking-in-persons-report/venezuela>. See also Y Su and T Valiquette, "They Kill Us Trans Women": Migration, informal labour, and sex work among trans Venezuelan asylum seekers and undocumented migrants in Brazil during COVID-19', *Anti-Trafficking Review*, issue 19, 2022, pp. 119–124, <https://doi.org/10.14197/atr.201222198>.

⁴⁸ Survey, 8 June 2021.

⁴⁹ Survey, 20 June 2021.

⁵⁰ Survey, 12 August 2021.

In terms of differences in the amount of violence faced by cisgender and transgender and *travesti* respondents before and during COVID-19, the findings show that while cisgender respondents experienced a 7% increase in violence during the pandemic, the percentage of transgender and *travesti* respondents who experienced violence more than doubled—from 15% before COVID-19 to 38% during COVID-19. A young trans woman shared that a group of men robbed her at gun point and hit her with the gun when she was trying to fight back. A young trans woman sex worker shared that the amount of verbal violence she experienced while working on the streets increased during the pandemic, making her fearful to venture into new areas to find clients despite the need to make money. Indeed, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) also noted in 2021 that ‘attacks on transgender women and sex workers / people in situations of prostitution were a concern.’⁵¹

Table 6: Differences in Experiences of Violence Before and During COVID-19 for Cisgender and Transgender and *Travesti* Respondents

	Before COVID-19	During COVID-19	Both before and during COVID-19
Cisgender (n=43)	6 (14%)	9 (21%)	2 (5%)
Transgender and <i>Travesti</i> (n=13)	2 (15%)	5 (38%)	2 (15%)

These findings demonstrate that policymakers and humanitarian actors need to pay special attention to transgender and *travesti* Venezuelan asylum seekers, who experienced more labour precarity, discrimination, and violence during the pandemic than their cisgender counterparts. A potential explanation for this disparity is that while most cisgender respondents are able to ‘pass’ and conform to heteronormative expectations, it is much harder for transgender and *travesti* individuals to conform, especially if they have undergone procedures that alter their bodies in dramatic ways to look more like their desired gender expression.⁵² *Travesti* often undergo procedures that alter their bodies in exaggerated manners such as large breasts and large buttocks. These procedures often make it more difficult for *travesti* to ‘pass’ but it is important to note that *travesti* often do not desire to ‘pass’; they want their gender expression to be seen. Thus, if perpetrators of homophobic and transphobic violence were looking to hurt people, trans folks

⁵¹ R4V, *End of the Year 2021 Key Figures. Gender-based Violence (GBV)*, R4V, 2021, <https://www.r4v.info/sites/default/files/2022-07/GBV.pdf>.
⁵² L Wilcox, ‘Gendered Bodies in Securitized Migration Regimes’, in P Bourbeau (ed.), *Handbook on Migration and Security*, Edward Elgar Publishing, Glos, 2017, pp. 87–104.

and *travesti* would be easier to identify and target than cisgender individuals. This was an explanation provided by the manager of Casa Miga who explained why he thought the two trans men in our study did not report experiencing discrimination or violence before or during COVID-19: 'I believe it is because they were trans men that had not started their transition, so their features and gender expression were generally still feminine, and they wore gender-neutral clothing.'⁵³ He also noted that they both still went by names that would be associated with women.

Conclusion

The COVID-19 pandemic has significantly impacted the livelihoods of Venezuelan LGBTQ+ asylum seekers in Brazil. Many reported losing their jobs, seeing their income decrease, and facing many challenges in finding employment. The number of respondents who reported having no work during the pandemic increased eight-fold. Experiencing declining and discouraging work prospects during the pandemic due to intersectional precarity, respondents reported taking greater risks and suffering violence, abuse, and labour exploitation, as well as increased exposure to COVID-19. However, caught in such impossible situations, respondents did everything they could to survive in a hostile social environment and labour market.

These economic impacts are likely to have wider implications and longer-term effects for the overall well-being of Venezuelan LGBTQ+ asylum seekers in Brazil, who were already struggling with access to necessities and threats from xenophobic, homophobic, and transphobic violence and discrimination before the pandemic.⁵⁴

The intersectional precarity faced by Venezuelan LGBTQ+ asylum seekers in Brazil draws attention to the need for policymakers and organisations to prioritise their needs to mitigate the pandemic's negative impacts and ensure that they can access employment and other economic opportunities. As Brazil, like the rest of the world, moves towards post-pandemic recovery, the needs of the LGBTQ+ community, asylum seekers, and specifically Venezuelan LGBTQ+ asylum seekers cannot be left out of the plans. Special attention needs to be placed on transgender and *travesti* Venezuelan asylum seekers, who experienced more labour precarity, discrimination, and violence during the pandemic than their cisgender counterparts.

⁵³ Personal communication, 19 September 2021.

⁵⁴ Cowper-Smith, Su, and Valiquette.

Future research should examine the long-term impacts of COVID-19 on the livelihoods of Venezuelan LGBTQ+ asylum seekers in Brazil, as well as the effectiveness of policies and interventions to support this population. Additionally, further research should explore the specific challenges and barriers faced by Venezuelan LGBTQ+ asylum seekers in accessing employment and other economic opportunities in order to inform the development of more targeted and effective interventions.

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Negotiating Multiple Risks: Health, safety, and well-being among internal migrant sex workers in Brazil during COVID-19

Angelo Martins Jr, Larissa Brito, and Thiago Pizzeo Scatena

Abstract

During the COVID-19 pandemic, experts called attention to the fact that the pandemic was disproportionately affecting socially vulnerable groups. Research suggested that structural inequalities resulted in unequal access to healthcare and that infection prevention measures increased precarious working conditions in illegal, informal, or unregulated sectors, such as the sex industry. This article reports on research findings that examined the impact of the COVID-19 pandemic on the lives and working conditions of 25 women internal migrant sex workers in the city of Ribeirão Preto, Brazil. It demonstrates that the pandemic and measures to control it severely impacted the lives of internal migrant sex workers, their affective and work relationships, as well as their income, safety, and physical and mental health. Furthermore, sex workers suffered from disturbing levels of violence and precariousness as well as a lack of effective policies aimed at protecting their health and well-being. This was exacerbated by the stigma, lack of labour rights, and the fact that they were migrants, which impacted them financially and emotionally during movement restrictions.

Keywords: sex work, COVID-19, internal migrants, Brazil

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Introduction

In both Global North and South countries, civil society, politicians, and academics have expressed concern that the COVID-19 pandemic disproportionately affected groups that were already living in situations of social vulnerability.¹ It has been suggested that structural inequalities resulted in unequal access to healthcare and that infection prevention measures, such as quarantines, curfews, and restrictions on travel, economic activities and public life, increased the precarious working conditions in illegal, informal, and unregulated sectors, such as the sex industry. This article contributes to the understanding of the risks encountered by women internal migrant sex workers in their daily lives during the pandemic, and the obstacles they faced when navigating various risks in the city of Ribeirão Preto, Brazil.

Brazil reported the second highest numbers of COVID-19 deaths (at 678,715) as of 3 August 2022.² As elsewhere, these deaths, and the COVID-19 crisis, illuminated existing inequalities.

Brazil has a free and universal public healthcare system, the SUS, established by the 1988 democratic constitution. However, even though approximately 80 per cent of the population depends entirely on the SUS for their healthcare needs,³ only 3.8 per cent of the country's GDP⁴ is spent on the public health system, almost half the average spent by other OECD members (6.5%). As a consequence, Brazil has long struggled to maintain the quality of its public health provision. This problem was exacerbated by Constitutional Amendment (PEC) 241/2016, which froze public spending in vital areas for twenty years, seriously compromising the public health system as well as other public services.⁵ Those who are able to pay for expensive health insurance can access good private healthcare services. In fact, per capita private spending on healthcare exceeds public spending; Brazilian

¹ A Brah, *Decolonial Imaginings: Intersectional conversations and contestations*, Goldsmiths Press, London, 2022.

² World Health Organisation (WHO), 'Brazil', WHO Coronavirus Disease (COVID-19) Dashboard, retrieved 3 August 2022, <https://covid19.who.int/region/amro/country/br>.

³ Brazilian Ministry of Health, 'Sistema Unico de Saude (SUS)', Secretaria do Estado de Saude de MG, 2019, <https://www.saude.mg.gov.br/sus>.

⁴ Brazilian Ministry of Economy, 'Aspectos Fiscais da Saude', Tesouro Nacional, 2018, retrieved 7 August 2022, <https://www.tesouro.fazenda.gov.br/documents/10180/318974/AspectosFiscaisSa%C3%BAde2018/a7203af9-2830-4ecb-bbb9-4b04c45287b4.e>.

⁵ Agencia Senado, 'Pandemia põe em xeque teto constitucional de gastos públicos', Senado Notícias, 18 March 2020, <https://www12.senado.leg.br/noticias/materias/2020/03/18/pandemia-poe-em-xeque-teto-constitucional-de-gastos-publicos>.

families spend 5.4% of the country's GDP on private healthcare, twice the average of OECD countries (2.3%).⁶

The division between those who can and cannot afford access to high quality healthcare is just one aspect of the immense social inequality that creates radically different living conditions for rich and poor people in Brazil. Indeed, during the pandemic, much of the country's population simply could not enact the practices recommended by the World Health Organisation to prevent contagion, such as handwashing or social isolation. Some 38 million people (41.4% of the labour market) are informal workers whose earning activities are street-based, and who live hand to mouth without any form of social security or protection.⁷ It is estimated that more than 220,000 people are homeless;⁸ 31 million (16% of the population) lack access to a water supply system; and 13.6 million live in the thousands of *favelas* across the country.

After pressure, the government did develop a support plan for the poorest people, distributing BRL 600 (less than USD 110) per month between April and December 2020. This was insufficient for people to survive.⁹ Without a government plan to support and protect people living and working in precarious conditions, several local organisations began trying to protect the highest-risk groups and to prevent people from dying from hunger.¹⁰

President Jair Bolsonaro's 'deny and defy' approach to the COVID-19 pandemic was widely reported in the international media. Bolsonaro's take on the pandemic was marked by exalting individual freedom over the collective interest and public health guidelines.¹¹ Throughout the pandemic years, he claimed that the

⁶ D Silveira, 'Gasto de brasileiros com saúde privada em relação ao PIB é mais que dobro da média dos países da OCDE, diz IBGE', *G1*, 20 December 2019, <https://g1.globo.com/economia/noticia/2019/12/20/gasto-de-brasileiros-com-saude-privada-em-relacao-ao-pib-e-mais-que-dobro-da-media-dos-paises-da-ocde-diz-ibge.ghtml>.

⁷ Agencia Senado.

⁸ M Natalino, *Estimativa da população em situação de rua no Brasil*, Diretoria de Estudos e Políticas Sociais – IPEA, 2020, retrieved 3 September 2022, https://www.ipea.gov.br/portal/images/stories/PDFs/nota_tecnica/200612_nt_disoc_n_73.pdf.

⁹ A Rodrigues, 'Auxílio emergencial de R\$ 600 não será suficiente para sustento das famílias', *Jornal da USP*, 8 April 2020, <https://jornal.usp.br/atualidades/auxilio-emergencial-de-r-600-nao-sera-suficiente-para-sustento-das-familias>.

¹⁰ L Franco, 'Coronavírus: Sem plano do governo para favelas, moradores e organizações se juntam para controlar contágio', *BBC*, 29 March 2020, <https://www.bbc.com/portuguese/brasil-52032709>.

¹¹ M Malta *et al.*, 'Coronavirus in Brazil: The heavy weight of inequality and unsound leadership', *EClinicalMedicine*, vol. 25, 2020, <https://doi.org/10.1016/j.eclim.2020.100472>.

pandemic crisis was a media fabrication and trick, or a little flu that could not harm athletic people like him. He also attacked scientists, fired his health minister for promoting social isolation, and urged people to go on demonstrations against their governors and isolation measures.¹² He even took part in demonstrations, shaking supporters' hands and wading into crowds thronging in gas stations, bakeries, and supermarkets. Bolsonaro mobilised his support with a narrative that pitted the economy and the virus against each other, claiming that he was trying to save lives by demanding an end to social isolation, since hunger was a far greater threat to Brazilians than a 'little flu'. At the same time, the president and his supporters often challenged the efficacy and safety of the vaccines against COVID-19, while he publicly declared that no one would be required to be vaccinated.

The pre-existing inequalities, lack of proper government support for people to protect themselves, and the conflicting messages regarding isolation measures and vaccination were directly correlated to the profile of the victims of COVID-19. Research shows that it was poor people, particularly men, with limited access to education, who lived in the urban peripheries and worked in precarious informal work, who were most likely to be infected and die from the virus. Furthermore, as in other countries, there were racialised patterns to the effects of COVID-19: the fatality rate amongst those infected by the virus in Brazil was 79% among *pretos* (black), *pardos* ('brown'), and Indigenous peoples, and 56% among white people.¹³

This is the background against which we developed research examining the impact of the COVID-19 pandemic on the lives and working conditions of 25 internal migrant sex workers (23 cis and 2 trans women) in the city of Ribeirão Preto. In Brazil, prostitution involving persons over 18 is not a criminal offence, and since 2002, selling sex has been considered an economic activity by the Ministry of Labour and Employment.¹⁴ However, whilst selling and buying sex is not criminalised, everything surrounding prostitution is (most notoriously, 'living off the avails').¹⁵ The partial criminalisation of sex work, and the fact it is not

¹² A Martins Jr, 'A Violent Disregard for Life: COVID-19 in Brazil', *Discover Society*, 23 April 2020, <https://archive.discoversociety.org/2020/04/23/a-violent-disregard-for-life-covid-19-in-brazil>.

¹³ C Cantera, 'Perfil de mortos mantém pobres e homens como maiores vítimas', *R7*, 8 March 2021, <https://noticias.r7.com/saude/perfil-de-mortos-mantem-pobres-e-homens-como-maiores-vitimas-29062022>.

¹⁴ A Piscitelli, 'Shifting Boundaries: Sex and money in the North-East of Brazil', *Sexualities*, vol. 10, issue 4, 2007, pp. 489–500, <https://doi.org/10.1177/1363460707080986>.

¹⁵ T Blanchette and L Murray, 'The Power of Putas: The Brazilian prostitutes' movement in times of political reaction', *Open Democracy*, 10 March 2016, retrieved 5 August 2022, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/power-of-putas-brazilian-prostitutes-movement-in-time>.

regulated as a form of labour, makes it possible for the police and municipal officials to selectively enforce the law. The owners of clubs, saunas, hotels, and bars that profit from sex work ‘have been able to avoid legal harassment by paying a portion of their profits to the police, either legally—through licensing fees for clubs, boarding houses, etc.—or illegally through a payoffs system’, but ‘people who sell sex outside of the times and places police permit ... are liable to be subject to the full force of the law, as well as extra-judicial sanctions up to and including rape, physical violence, and, most commonly, illegal arrests’.¹⁶

Moreover, the historical stigmatisation faced by Brazilian sex workers has intensified over the past decade. During the rule of the leftist Workers’ Party government (*Partido dos Trabalhadores*) in the first half of the 2010s, the government made concessions to a growing reactionary Evangelical conservative lobby to maintain governability, which made it nearly impossible to pass progressive laws, such as proposals to fully decriminalise sex work and open paths for the legalisation of brothels, as well as to pursue HIV prevention campaigns for gay men (in 2012) and sex workers (2013).¹⁷ During the same period, preparation for sporting mega-events in 2012, 2014, and 2016 increased gentrification and police repression on the streets of Rio de Janeiro, which directly affected sex workers.¹⁸ This situation became even worse during Bolsonaro’s right-wing government (2019–2022), during which the Women’s and Human Rights Ministries were combined in a new ‘family oriented’ Ministry of Women, the Family, and Human Rights, headed by an anti-feminist and ultra-conservative evangelical pastor. This weakened anti-HIV and other health programmes and public policies that had previously benefited sex workers. The pandemic then further exacerbated the social vulnerability of many sex workers, and reports of violence and murder of sex workers increased as well.

This article explores some of our research findings through the voices and daily experiences of women internal migrant sex workers during the pandemic, focusing on the impact of COVID-19 on their income, working and living conditions, and well-being. Many sex workers in Brazil face multiple forms of exclusion and risks to health and well-being, including low and inconsistent earnings, violence, and sexually transmitted infections (STIs). However, our research suggests that the pandemic and policies imposed to control it severely impacted the lives of internal migrant sex workers, their affective and work relationships, as well as their income, safety, and physical and mental health. Our data demonstrates disturbing levels of violence and precariousness experienced by sex workers during the

¹⁶ B Santos *et al.*, ‘Sex Work, Essential Work: A historical and (necro)political analysis of sex work in times of COVID-19 in Brazil’, *Social Sciences*, vol. 10, issue 1, 2020, pp. 1–20, <https://doi.org/10.3390/socsci10010002>.

¹⁷ *Ibid.*

¹⁸ A De Lisio, ‘Event Urbanism and the Politics of Enthusiasm’, *Scapegoat Journal: Architecture, Landscape and Political Economy*, vol. 5, 2013, pp. 170–79.

pandemic, as well as the lack of effective policies aimed at protecting their health and well-being. This is exacerbated by the historical stigmatisation faced by sex workers in Brazil,¹⁹ combined with the lack of labour rights.

Research Methods and Sample

Using participatory and digital research methods, the research was conducted by the NGO Vitória Régia²⁰ in collaboration with the activist and sex worker Taís Leão Proença and UK and Brazilian academics. Fieldwork ran between January and June 2021 and included: qualitative interviews conducted with sex workers via WhatsApp; and audio-visual diaries produced by the sex workers and shared, via WhatsApp, for a period of one month.

In the first phase of our project, up to 25 women²¹ Vitória Régia works with were recruited to participate in the research. The participants were provided with mobile phones. These were used to keep daily audio-visual diaries of their lives over a four-week period, sharing images and voice messages with co-participants and the research team through a WhatsApp group chat. The research team guided the diary-keeping and kept the group ‘on topic’ with prompts and questions relating to the factors that would render participants vulnerable to contracting COVID-19 and other illnesses, and to coercion, violence, and exploitation. We asked: where did they sleep; did they have facilities to wash; were toilet and cooking facilities, if any, shared; did they leave their dwelling today and why; were they able to socially distance or wear masks; did they undertake any work and if so what kind, who arranged it, and were they paid; did they receive any offers of help or work and if so, what kind and from whom; did they experience any harassment, threats, or violence and if so, from whom; did they attempt to access

¹⁹ L R Murray, D Kerrigan, and V S Paiva, ‘Rites of Resistance: Sex workers’ fight to maintain rights and pleasure in the centre of the response to HIV in Brazil’, *Global Public Health*, vol. 14, issue 6–7, 2019, pp. 939–953, <https://doi.org/10.1080/17441692.2018.1510020>.

²⁰ The NGO Vitória Régia was founded in 2000 through a partnership between sex workers in Ribeirão Preto and health professionals from the Hospital das Clínicas Faculty of Medicine at the University of São Paulo in Ribeirão Preto, who were involved in state projects to combat STIs/AIDS. Its aim was to offer support to sex workers, such as medical appointments, information, STIs/HIV prevention, and free condoms. The NGO also mobilised discussions and actions to defend sex workers’ rights. Today, Vitória Régia provides psychosocial, legal, and health assistance to women, adolescents, LGBTQI+ people, and people living with HIV/AIDS. It also educates undergraduate students through lectures, training courses, and participation in events.

²¹ Twenty-three cis and two trans women were chosen because women are the main target group of Vitória Régia.

social rights and if so, were they successful; did they send money back home; were they able to see their families back home; did they get ill and if so, did they manage to receive treatment? In the last two phases of the project, the audio recordings and WhatsApp messages were transcribed, coded, and thematically analysed. Participants were involved in the analysis and curated the images and text generated from their diary-keeping, deciding which elements should be included in the project outputs. Interviews were conducted in Portuguese and then translated into English by the research team. Interviews were anonymised and names used here are pseudonyms.

Most of our research participants had studied only up to elementary school. The vast majority self-declared as *parda* (mixed) and black; only two out of 25 self-declared as white. They were aged between 20 and 34 years, had other people dependent on their (low) income, were internal migrants, and had been in the profession for over five years. Almost half (12) lived on the equivalent of one Brazilian minimum wage (BRL 1,100 or USD 214) or less at the time of the research, and ten lived on up to the equivalent of two minimum wages (USD 428). Only three had an even higher household income. Given their migrancy and the existence of dependants back home (children and elderly parents), their low income had to provide both for them in Ribeirão Preto and for their dependants. Most of them had lived in Ribeirão Preto for more than six years and tried to visit their families back home as regularly as possible. During the pandemic, they were not able to visit their families for more than a year, which affected their mental health (as discussed below).

Our research participants, therefore, already lived in situations of social vulnerability, which was intensified during the pandemic. The following excerpts from our research data offer an insight into the experience of the twenty-five internal migrant sex workers during the COVID-19 epidemic.

Findings

Income

All research participants reported that demand from clients and consequently their income from sex work declined during the pandemic by around 50%. Many stated that the situation was more difficult in 2021 than in 2020. The emergency aid and benefits provided by the government until December 2020 helped to maintain their clients' incomes, so the demand for sex workers' services did not drastically reduce. However, with the decrease in the government's economic support and the increase in COVID-19 infections and deaths in Brazil in 2021, many clients had lost their jobs and income. This was associated with prohibitions on working during lockdowns and the closure of local businesses, which decreased the movement of people in the area where they work. As Bianca shared:

Demand for our work decreased a lot. ... Businesses were going broke, and our clients disappeared because they lost their jobs and no longer had money, people had no way to spend it on us without knowing what tomorrow would be like, they wouldn't spend on sex.

Most clients were elderly men, and in addition to the impact of lockdowns and decreasing emergency support from the government, they feared being infected by COVID-19. Moreover, lockdowns meant that the daily activities of married clients were much more visible to their wives, and this also affected demand for sex work. As Carol explained:

Clients are still scared. We text them saying, 'hey, what's going on, haven't seen you in a while', then they say, 'well, with this disease out there, it is difficult to go out'. I have an 89-year-old client. I called him a while ago and said, 'hey you disappeared, what's going on?', and he said, 'I did not disappear, don't you watch TV? There is a pandemic! I'm going to die if I catch COVID, I have a lot of health problems'. There are also many men who told us 'ah, I couldn't get out of home, what was I going to say to my wife?' Those who no longer have a wife say 'ah, my daughter keeps asking where I'm going, I'm embarrassed to say where I'm going, so I couldn't leave the house'. They can't say that they are going to the bar for a drink anymore, because the bar is closed.

At the same time as there was a decrease in demand for sexual services, there was an increase in workers supplying such services. This is because, in a context of other businesses closing, some women who had left sex work decided to return to it, in the hopes of securing at least some income. This was the case for Diana:

I had stopped doing it [sex work]. I had even taken some courses where I was learning and working with beauty stuff, I was doing skin spa, hair braiding, stuff like that. I was only working for a friend of mine, but her business closed because of the pandemic, so I had to come back here and do it [sex work] again.

Monthly Costs and Lack of Public Policy

All research participants said they preferred to stay at home, shielding themselves and their families from COVID-19, if they could. However, they not only had to keep providing for their families, but their monthly subsistence costs, such as rent, electricity, water, and food, also increased during the pandemic. As they are all migrants who pay bills in Ribeirão Preto, but also send money to their children and elderly parents living in their home city, the increased living costs affected them twice. In fact, as many sex workers have dependants who had to spend more time at home, they had to spend more on household consumption, as illustrated by Mariana:

If we could just stay at our house, shielding ourselves, we would, but, CPFL [electricity company] and DAERP [water company] do not think the same way. They say 'stay at home', but what about the bills? They said they wanted to do the same thing Europe did, to let three unpaid energy bills accumulate, but what happens afterwards? If you have a R\$100 electricity bill, how are you going to pay R\$300 three months later, all together, and knowing there will be another one to be paid as well, so R\$400 all together? Today, I go to the supermarket to buy only what's on sale and buy only the very necessary items. Rent, electricity and water bills keep coming, there has been no discount; on the contrary, it has increased because now my family [living in another city] spends more time at home, which means more showers, fan on all the time, television on, more everything.

Sex workers also reported various difficulties they faced with home schooling during the pandemic. Their children had to stop attending school as classes moved online. While online teaching altered the educational dynamics of the children, not all sex workers could afford internet or provide cell phones and laptops for their children, so they could access the online classes. Another issue was the lack of nursery provision and school meals which constituted an extra financial burden for them:

My daughter, thank God, can have internet and a cell phone to access her classes from home, but what about all the children who don't have internet? There are kids who are starving, the government has to wake up to the reality. Then they say that those who don't have internet can go to the school and get printed versions of the classes there, and this has to be between 8 am to 11 am and then from 1 pm to 4 pm. But most parents are working, they can't just leave their jobs and go to the school to pick it up. Also, the nursery was free, now we have to pay someone to take care of our child because if we don't have someone to look after our children, there's no way we can come to work. (Bruna)

There are no longer school meals. In Minas Gerais [State] they have helped the families with food baskets for children who weren't going to school, [but] here, in Ribeirão, they didn't do any of that for a whole year. This is crazy. In the beginning of this year [2021] the city hall distributed basic food baskets for children, but they were hungry for a whole year. Then, they started accepting the kids back at school, but only once a week, and they stopped giving the food baskets; so, once a week, the kids eat at school, but what about the rest of the week? There's no logic in what the government does. (Carla)

In addition to the lack of economic policies to alleviate people's expenses during the pandemic, which could have included tax reduction, reduction of utility costs, or an anti-inflationary policy for essential items such as food, clothing,

electricity, and gas, the living costs of our research participants also increased as they had to start providing for two households at the same time. Many of our research participants work in Ribeirão Preto but their families live in a different city, and they had to stop commuting in order to not expose their families to a possible infection.

I have to pay the expense here and the expense there [where her family lives]. My daughters stay there with my mother. I was scared of them being close to me, so I stopped going there and stayed here more, but I need to keep paying for everything; school you don't stop paying, council tax you don't stop paying, you need to keep paying everything. (Marcia)

Despite the increase in their living costs, most sex workers did not receive any type of assistance from the State, such as access to the Family Grant benefit (*Bolsa Família*) and the COVID-19 Emergency Income programme. They also do not have labour or social security rights, given that in Brazil their profession is not regulated.²² Most did not manage to access social assistance, such as the food baskets provided by the Municipal Social Assistance Department and the Municipal Emergency Aid in the amount of BRL 200 (less than USD 35) for a period of three months, due to bureaucratic barriers, or for not meeting the strict access criteria established by the municipal government. Consequently, they could only turn to NGOs to receive any support, as Andrea told us:

I didn't get [any help]. Most sex workers didn't receive the [government] aid, because it was very difficult to access. You had to apply through their app, but you apply and then in the end it says 'denied'; they don't even explain why. I received help [food basket] from the NGO, Vitória Régia, but not from City Hall. I went after CRAS [Social Assistance Centre] when they said they were going to give food baskets to people, but when I went there, they gave me a phone number and told me to call it, that's what they did to everyone who went there for help, but it was a nightmare to talk to someone on the number they gave us. I wasted time trying to talk to someone, it didn't work.

Most sex workers also felt they had to pay for private healthcare insurance, which was an extra burden on their monthly expenses.

Most women who have children decide to pay [for private healthcare] because it's not worth waiting. That's another burden for us, and even with the health

²² The official recognition of sex work as an economic activity in Brazil has allowed some workers to obtain retirement and other benefits if they register and contributed to the social security system as self-employed. It did not, however, create a regulatory policy that could completely guarantee sex workers' full labour rights, which would depend on its approval in the Brazilian Congress.

insurance you also need to pay for a dentist, and if you don't have the insurance, you need to pay for everything, for dentists, paediatricians, everything you pay and you spend that money and don't have the right to get a painkiller from a public pharmacy. You spend it twice, you spend it on the consultation, you spend it on medication. If you wait [for public healthcare], you die waiting, here the health system is terrible. (Leticia)

Many reported paying for COVID tests, or simply not taking the test when they had symptoms, given the difficulty and risks encountered in taking a free test offered by the public health system. As Emilia shared:

I went there [to the local GP] to take the COVID test, they said 'wait for one, two hours', I said 'no, ma'am, if I stay in this room for two hours, waiting with all these other people and I don't have COVID, I'll get it'. I left and I paid for the test in a lab, about an hour later I already had the result. I paid R\$190, then people said at the time, 'it's expensive and I am not taking the test', but it will be expensive if I die, the money will go away, I won't be here anymore to spend it. Everything in Ribeirão you have to pay, the health system is bad.

Working Hours and Precarious Working Conditions

With the decrease in their income and an increase in their living costs, sex workers needed to work longer hours. Most of our research participants had to work at least 10–12 hours a day, from Monday to Saturday, and some started working every day. Despite working longer shifts, most were unable to earn the minimum necessary to pay their bills, or even to buy food for themselves and their families, as was the case for Bianca:

Now I work around 12 hours a day, every day. Before the pandemic, I worked less; I would arrive here around 9:30 a.m., stop for lunch at noon, go back to work only at 3:00 p.m., and then at 7:00 p.m. I would go back home. We have to work a lot now, and I can't even earn what I used to [pre-pandemic]. The pandemic has made our work much worse; it is not easy. I started drinking a lot. I feel sick from all the drinking I do while working. Because we also make money on the drinks that our clients buy at the bar, for example, we earn R\$5 in commission. If you take a drink of R\$10, I get R\$5 in commission. It is a way to try to make more money. We get desperate, we need to pay our bills, and the money I make is not even enough to pay for my lunch and dinner.

In addition to longer working hours, the pandemic intensified competition between sex workers for clients, as demand for their service decreased and the number of workers on the street increased. As Bruna told us, 'the situation is way worse, the demand for services has dropped and a lot of women are coming

from other cities to work here. Some days, there are so many women here that they can't even all fit on the street'.

To exacerbate their already precarious working conditions during the pandemic, sex workers also experienced constant fear due to the growing number of deaths caused by COVID-19. The possibility of being infected (and then infecting their loved ones) became an additional fear to those with which they already had to deal.

Before, we were always tense, from the fear of violence. Today we work tense as well, but now fearing violence and COVID. I'm afraid of being here, working, exposing myself every day, and suddenly getting COVID and passing it on to someone at home. My mother has high blood pressure, which makes me worry even more. My whole family is there in Goiânia, I'm the only one here. When I went there, I took a COVID test, because I work in a place like that, I don't know the clients, if they look after themselves or not, and I can pass it on to the people I love the most. In my head, I think I caught COVID like four times. Once I went out with a client on a Tuesday, he was supposed to come back again on Friday, I called him to confirm, he said, 'I won't come, I'm in the hospital, I have COVID'. I turned off the phone and already started feeling short of breath. I felt weak, all in less than an hour, I felt all the symptoms. I called my mom, I was going back home on the weekend, I said I can't go there because I have COVID. I hadn't even taken the test! I went to the hospital, paid R\$195.00, but it came back negative. (Daniela)

Our research participants also expressed concerns about the safety measures at the workplace when interacting with clients. According to them, the actual physical spaces of their workplaces, such as the hotels and nightclub in the city centre, are clean environments with good air circulation. However, many complained that clients did not respect COVID-19 health protocols, especially the use of masks. Some said that they only provided services when clients wore a mask, yet clients often took off their mask during service. Some workers observed that few clients demanded the use of a mask:

There are clients who don't accept if you're wearing a mask, they don't even stop to talk to you, they go straight through. There are few customers who arrive here saying 'put on a mask, please?', or 'can we do it wearing a mask?', and we say, of course, this is even better. So, there are some who accept [wearing a mask], others who don't. There are those who still want us to kiss them. We say we can't kiss, explain about the pandemic, we can't do this, we can't do that, need to wear a mask, but when it gets to the room, they start doing the opposite, there are some who still try forcing us to [kiss]. But many times, you do not want to miss the service, so you will have to do it without a mask on, because [of] the money. If there are people [sex workers] there not wearing a mask, and you wear it all day, you won't get any work. (Marcia)

Well-being, Violence, and Stigma

The loss of income, fear of COVID-19, and uncertainty regarding the future also affected the mental health of our research participants. As stated by Camila:

[The pandemic] changed our psychological situation, we are all depressed. It messed with our pockets [income], and it messed with our mental health. We are not formally employed, we do this here [sex work] in order to make a living, we have no rights to just take time off, sick leave, etc. I try to leave work, go to my house, and forget about work, this helps me, psychologically. But now, with the pandemic, it affected our earnings, you get worried if you will be able to pay your bills. Before the pandemic we were worried about HIV, syphilis, hepatitis; we took care of ourselves with condoms etc., but this disease [COVID] has no way out for us, there is not something you can completely protect yourself from, it's in the air. Many of us had some money saved in the bank, and we hoped the pandemic was going to be a quick thing and things would go back to normal soon, we didn't think it would extend until now. The pandemic demonstrated the reality of our industry, that it's an unstable, insecure, unfriendly job; it messes with our psychological health, and these situations make us develop a series of [mental] diseases, anxiety.

Several sex workers reported cases of depression and panic attacks that they or their dependents experienced. Some were diagnosed with psychological disorders and were prescribed medication, while others mentioned increased consumption of alcohol and drugs by clients and themselves.

I stayed at home for a month without being able to go out, I was suffering from depression, wanting to die, crying all the time. My dream is to be a singer, but how am I going to pursue my dream with this pandemic? When will this ever end anyway? Will I be alive? Will I get out of this? There are a lot of people that we know who died in this pandemic. The husband of a 35-year-old friend of mine died from COVID, we would never imagine he could die from it. Everyone is depressed, people committing suicide, hanging themselves. I even got scared of killing myself because there was a moment when I got so desperate that I looked for a knife and I kept looking for a knife that could end my life. Look how crazy, our heads are not good at the moment. (Paula)

The workers also described facing daily urban violence (such as robberies and assaults on the streets), violence from the police, and violence from clients (rape, assaults, not getting paid for the service, refusal to wear masks). During the research, two trans sex workers were murdered by clients. Managers of the hotels where they work or colleagues often provide protection. Harassment by the military police and municipal guard has decreased since the installation of security cameras in the city centre, but the workers reported that the military police acted brutally during the lockdown and did not show up or provide help when

sex workers called to report violence from clients. As Daiana and Rebeca told us:

In the beginning of the pandemic, the police harassed us a lot, they sent us away whenever we came here to work. I have been arrested when I tried to work. You risk arrest and you risk getting this disease [COVID]. The police have a lot of prejudice against us, they treat us like shit. The police are more focused on trafficking crime, robberies, so they don't care about us. When we call the police, they answer and ask if we're a call girl, if we say yes, they don't even show up; and when they do, they beat us. I don't feel cared [for] and protected by anybody. I have to protect myself. There's no security because they don't see it [sex work] as a profession. (Daiana)

I don't call the police. I've worked with sex since I was 13 and if there's a problem, I try to leave as soon as possible, because the police will show up and probably beat you as well. You need to solve your problem in the bedroom. If the guy is crazy, I try to make him think I am crazy as well, as they say, you have to be worse than him. Just like yesterday, I got a client who said 'oh I spent four years in jail', I said 'that's all? I did five'. I lied, I'm scared to death of these banditry things, but you have to pass as tough, otherwise the guy will step on you. I work in the night, to ensure my safety I've been calling CPFL [light company] to put lights on some poles around here, because the streets are very dark, no one cares about fixing the lights here, and the lights help to keep us safe. (Rebeca)

Sex workers also often talked about public prejudice and discrimination they suffered on a daily basis, as well as their lack of rights, which together damaged their well-being:

People are very judgmental. Sometimes, there are people who walk past us and they look at us as if we were the worst being in the world. It's an old profession [sex work], whether they like it or not, but people have a big prejudice, they think that the woman who works with sex is the sick one, HIV positive. There should be less prejudice against women, all women, call girls and trans women, we should be able to arrive at a place and be treated respectfully. This is a problem at the hospital, for instance, many of us don't go to the hospital because of the prejudice we face there. When you go to the hospital and try to speak about a sensitive issue quietly to a nurse or to doctor, they just start shouting out loud 'ah but how did the condom break?'. Then you look at their face thinking 'if I knew how it broke, my dear, I wouldn't let it so I wouldn't have to be here, being humiliated'. (Miriam)

The government should pay more attention to us as well, give us labour rights, they should regularise our profession. Nobody cares about a puta [sex worker]. Nobody cares if someone hit her or if someone does something bad to her. Nobody cares if they have a family or not. We have no rights then, and we need them, the pandemic proved that. (Ana)

Conclusion

Reflecting on their individual and collective experiences during the COVID-19 pandemic, the 25 women internal migrant sex workers in this research illustrate how the pandemic and policies imposed to try to control it severely impacted all aspects of their lives, their affective and work relationships, as well as their income, safety, and physical and mental health. Many sex workers in Brazil face multiple forms of exclusion and risks to health and well-being, including low and insecure earnings, violence, and STIs. However, our data demonstrate the disturbing levels of violence and precariousness suffered by these internal migrant sex workers during the pandemic, as well as the lack of effective policies aimed at protecting their health and well-being. Their migrancy further exacerbated their already precarious situations. Their low income, additionally affected by lack of demand for work during the pandemic, needed to provide both for their dependants (children and elderly parents) in their city of origin and for themselves in Ribeirão Preto. Travel restrictions and fear of infecting their relatives also did not allow them to visit their families for more than a year, which severely affected their mental health. This is aggravated by the stigmatisation faced by sex workers in Brazil combined with the lack of legal regulation of sex work as a profession, as well as access to labour and social security rights. The latter are, therefore, key to public policies aimed at securing rights and protections for this group. Public policies on mental health and social assistance aimed at sex workers and their dependants could also help to alleviate everyday challenges they face. Given the level of violence suffered by this group, training for police officers on respecting the human rights of sex workers, and persons who are LGBTIQI+, would also be important steps towards tackling the everyday discrimination experienced by women internal migrant sex workers in Brazil.

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Are They Victims of COVID-19? The livelihood and quandaries of sex workers in the New Kuchingoro camp for internally displaced people in Abuja, Nigeria

Seun Bamidele

Abstract

In this paper, I examine the challenges faced by sex workers in the New Kuchingoro camp for internally displaced persons (IDPs) due to the COVID-19 pandemic. Previous studies on sex workers' activities in the camp have underscored their hardships, distress, and deprivation, as well as their general inability to cope with COVID-19. Through my research, I reveal that the government and other agencies failed to support sex workers' struggle to adequately provide for themselves and their families. I also explore the different strategies they employed in their efforts to survive during this period of hardship, which demonstrated their resilience.

Keywords: livelihood, sex workers, internally displaced people, internally displaced people's camps, Nigeria

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Introduction

People often assume that we want to improve living conditions in the camp through humanitarian aid, such as access to clean water. However, what we truly desire is to return to our homes and live in a situation where we can earn a living and not have to depend on aid.

This statement was made by one of the women leaders during a meeting with the women's association in the New Kuchingoro camp for internally displaced persons (IDPs) in Abuja, Nigeria. She indicated that she not only wished to return to her home but also to live in a self-sustaining environment. I had the privilege of attending this meeting during my fieldwork research on internally displaced women (IDWs).

Since 2009, the north-eastern region of Nigeria has been ravaged by one Boko Haram assault after another, causing many inhabitants to flee from the affected areas to other states, including Abuja.¹ This insurgency led to the creation of various IDP camps, with housing ranging from tents or canopies to informal shelters within host communities, particularly in Abuja. The New Kuchingoro camp is one of many and the most significant, accommodating about 5,000 inhabitants from the Gwoza Local Government Area in Borno State.² Established in 2014, the camp began as an informal settlement but later evolved into a formalised camp, consisting of temporary scrap-material structures. Women comprised 78 per cent of the camp's population.³

The camp is located on privately-owned land within the business and residential district of New Kuchingoro in the Durumi area of Abuja. It was intended to serve as a temporary shelter for people fleeing from the politically and religiously motivated Boko Haram crisis. However, doubts were raised about the ability of these camps to provide adequate protection and care for the victims of the crisis due to their poor living conditions. Inhumane situations expose IDWs, in particular, to a range of threats, including overcrowding, inadequate shelter and sanitation facilities, limited livelihood options, gender-based violence, food insecurity, and health risks. Human Rights Watch reports that women in these camps suffer from limited access to food, water, and social services, as well as the constant threat of sexualised violence.⁴

¹ O Bamidele, 'Civilian Joint Task Force (CJTF) – A community security option: A comprehensive and proactive approach to counter-terrorism in Nigeria', *Journal of Deradicalization*, no. 7, 2016, pp. 124–144; S Bamidele, 'The Civilian Joint Task Force and the struggle against insurgency in Borno state, Nigeria', *African Conflict & Peacebuilding Review*, vol. 7, no. 2, 2017, pp. 85–98, <https://doi.org/10.2979/africonfpeacevi.7.2.04>.

² UNHCR, NHRC, and NEMA, *Protection Monitoring Report on IDP Sites in the Federal Capital Territory*, 2015.

³ *Ibid.*

⁴ National Emergency Management Authority (NEMA), *Unpublished Bulletin*, NEMA, 2018; O Oladeji *et al.*, 'Sexual Violence-related Pregnancy among Internally Displaced Women in an Internally Displaced Persons Camp in Northeast Nigeria', *Journal of Interpersonal Violence*, vol. 36, issue 9–10, 2018, pp. 4758–4770, <https://doi.org/10.1177/0886260518792252>.

Moreover, before the emergence of the Boko Haram crisis in 2009, the National Emergency Management Agency (NEMA) and the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) were already responding to humanitarian crises in the country, including IDP camps in Abuja. Although responding to these crises was undoubtedly challenging for both agencies, given the severity of some of the events, they were increasingly tasked with managing displacement caused by natural disasters or violent conflicts. These agencies were responsible for providing humanitarian interventions and aid to IDPs in Abuja. However, in the context of the New Kuchingoro IDP camp, women often engaged in sex work out of desperation. They exchanged sexual services for food, cash, non-food items, or the freedom to move in and out of the camp, where there were no enclosures.⁵

Despite its growth in many African societies, sex work is still considered an aberration. Scholars across Africa, including Nigeria, have written about sex work as a vice and a threat to public health.⁶ During both normal and pandemic periods, sex workers were perceived as a source of disease, deviants, or helpless, weak women, and as liabilities to the household.⁷ Consequently, sex workers are often stigmatised, discriminated against, and subjected to various rights violations.

Before the pandemic, many sex workers had low incomes, struggled to make a living, and experienced high levels of stress, neglect, and deprivation.⁸ In some cases, they even experienced starvation, particularly when there was a lack of customers and their business was not profitable. Despite these challenges, sex workers remained resilient and found ways to cope with their circumstances.⁹

Several agencies have supported the resilience of sex workers by helping them find ways to diversify their activities and become more profitable in their endeavours.¹⁰ Furthermore, the pandemic, although worsening the socio-economic circumstances of sex workers living in IDP camps, also helped them

⁵ NCFRMI, 'IDPs Crisis in Nigeria', National Commission for Refugees and Migrants and IDPs, Unpublished paper, 2018; D J A Orendain and R Djalante, 'Ignored and Invisible: Internally displaced persons (IDPs) in the face of COVID-19 pandemic', *Sustainability Science*, issue 16, 2021, pp. 337–340, <https://doi.org/10.1007/s11625-020-00848-0>.

⁶ M W Ross *et al.*, 'Occupational Health and Safety among Commercial Sex Workers', *Scandinavian Journal of Work, Environment & Health*, vol. 38, issue 2, 2012, pp. 105–119, <https://doi.org/10.5271/sjweh.3184>; Orendain and Djalante.

⁷ Interview, 13 June 2020.

⁸ Orendain and Djalante.

⁹ *Ibid.*

¹⁰ *Ibid.*

expand their businesses.¹¹

In this paper, I investigate the challenges sex workers faced living in the New Kuchingoro IDP camp in Nigeria, as they tried to earn a livelihood amidst the COVID-19 pandemic. I demonstrate how the lack of access to basic resources, as well as the insufficient physical, human, and financial capital required to sustain a livelihood, contributed to the worsening of their situation in the camp. I posit that the strategies and mechanisms used by sex workers to address the challenging conditions in the camp resulting from the COVID-19 pandemic were largely influenced by their previous experiences at home and their need for fundamental necessities, such as food, shelter, and clothing.

Methods

The data presented in this article was collected during three months of fieldwork between May and July 2020. While the study did not engage in an in-depth ethnographical examination, it produced extensive knowledge about the camp. I accessed the sex workers with the support of sex worker leaders in the IDP camp after I had explained the purpose of the research. I conducted interviews with fifteen sex workers, five case studies of sex workers, and three key informant interviews with NGO staff who are working on anti-trafficking and sex workers' rights and welfare. In the interviews with sex workers, questions revolved around their livelihoods, the challenges they faced during the pandemic, and their relationships with others in the IDP community. Noting that most of the sex workers frequent bars to meet with their customers, I also conducted six interviews with community members to obtain an additional perspective on the sex workers' living conditions and how they managed to sustain themselves during the COVID-19 pandemic. I conducted most of the interviews either in the camp or in the bars. While I conducted the interviews in English, I engaged the services of a Hausa interpreter for interviewees who could not express themselves in English. I triangulated the field data with information obtained from relevant scholarly literature, media articles, and reports from the Nigerian Sex Workers' Association.

To analyse the data, I used the sustainable livelihoods framework.¹² This framework needs to be explained in detail to understand its value in uncovering the livelihood challenges in the IDP camp and particularly the ways in which

¹¹ *Ibid.*

¹² R Chambers and G R Conway, *Sustainable Livelihoods: Practical concepts for the 21st century*, Discussion Paper 296, Institute of Development Studies, 1991; O Serrat, 'The Sustainable Livelihoods Approach', in O Serrat, *Knowledge Solutions: Tools, Methods, and Approaches to Drive Organizational Performance*, Asian Development Bank, Mandaluyong, 2017, pp. 21–26.

sex workers obtained social support to enhance their quality of life and manage trauma.

There are various approaches to understanding the sustainable livelihoods framework, but its fundamental component is social capital.¹³ This capital comprises social obligations or connections, although economic capital is at the root of all other forms of capital, and ultimately, every type of capital can be traced back to economic capital.¹⁴ Bourdieu's analysis offers a lens through which to examine the extent to which the social capital of the sex workers in the study enabled them to build networks and connections to access better livelihoods.¹⁵ Furthermore, Putnam's theory of social capital highlights the mobilising power of social networks as agents of coordinated action that enable the attainment of specific goals.¹⁶ Because individuals constitute groups and networks, they utilise social capital in three ways: bonding, bridging, and linking to capital.¹⁷

According to Serrat, livelihoods depend on the capabilities, activities, and assets of those who need to earn a living.¹⁸ Capital assets can be categorised as natural, physical, human, financial, and social. Examples of natural capital include water and land, whereas physical capital comprises basic infrastructure such as sanitation, housing, energy, and communication technology. Human capital refers to health, the ability to work and obtain skills; financial capital involves savings, credit, and debt; and social capital refers to networking, relationships, and group membership.¹⁹

Findings and Discussion

Challenges

Sex workers faced challenges related to their livelihood, personal life, and societal acceptance which I present below in more detail.

¹³ M Woolcock, 'Using Social Capital: Getting the social relations right in the theory and practice of economic development', *The World Bank Research Observer*, vol. 15, issue 2, 2000, pp. 225–249; R D Putnam, 'Social Capital: Measurement and consequences', *Canadian Journal of Policy Research*, vol. 2, no. 1, 2001, pp. 41–51; M Woolcock, *Using Social Capital: Getting the social relations right in the theory and practice of economic development*, Princeton University Press, Princeton, 2001.

¹⁴ Woolcock.

¹⁵ Putnam.

¹⁶ *Ibid.*

¹⁷ Woolcock.

¹⁸ Serrat.

¹⁹ *Ibid.*

Livelihood Challenges in the IDP Camp

The sex workers in the IDP camp faced various challenges such as insufficient access to humanitarian assistance, resulting in continued dependence on the Nigerian Sex Workers' Association (NSWA) and non-governmental agencies, whose support was also inadequate.

Despite their resilience, all the sex workers I interviewed looked back nostalgically on their lives before the crisis that led to taking residence in the camp. Especially after COVID-19, they also described their situations as inferior to their previous lives. Of particular concern was the loss of business, which would have brought in income for their needs. A young sex worker said:

If not because of the COVID-19 restrictions and the issue of social distance, I would be boasting of many customers now. My sex business was seriously booming before COVID-19, and now the business is just down because many of our sex customers have run away. They don't want to move near us because of COVID-19.... I have to pay for my rent and I have to buy clothes and also food.... If conditions were better at the border, I could have figured out how to help myself.²⁰

Another explained:

I have a lot of health challenges now and I have been going to the hospital but I cannot afford the money they are asking me to pay and drugs I am going to use. Before COVID-19, we really had enough money to pay them at the hospital, but now we do not have better access to better healthcare due to low numbers of sex customers travelling through the camp.... Although they're relatively inexpensive, I mean the hospital bills, but due to the COVID-19 situation, we cannot afford it.²¹

Sex workers acknowledged that engaging in sex work could lead to a better standard of living and a sustainable livelihood by using human capital with social capital to obtain physical and financial capital. However, the COVID-19 pandemic worsened the hardships in the camp and prevented them from working as they had in the past. During my fieldwork, sex workers shared their experiences of losing customers and feeling a sense of disruption. As one interviewee explained:

²⁰ Interview, 19 June 2020.

²¹ Interview, 3 May 2020.

*Before COVID-19, we experienced a better livelihood and peaceful life.... We were satisfied with our needs. Since the arrival of COVID-19, here in the camp, life has not been the same again. We never experienced this before.*²²

Most sex workers I interviewed lived in shelters that they had constructed themselves. Some resided in rented houses or hotels. Additionally, many had not recovered from the effects of the pandemic and felt ashamed and depressed about their current circumstances of not earning an income. Some had obtained access to humanitarian aid:

*I can say that till today, I did not even know non-government agencies were helping sex workers to survive here. Since COVID-19 started, I always sell cooked and uncooked rice, including some vegetable oil around the camp, and also help other marketers carrying their goods, and good people always come here to support me in the camp.*²³

*I had nothing less than 14 sex customers per week before the COVID-19 pandemic, and I used to sell all kinds of things like groceries by myself for sustenance. I am also doing home cleaning services which is giving me cool money, but the COVID-19 pandemic spoiled all that. I am now depending on the Nigerian Sex Workers' Association and non-government agencies for shelter bill and daily living because my source of livelihood was totally destroyed by the COVID-19 pandemic.*²⁴

Sex workers expressed dissatisfaction with the health delivery system in the camp, citing inadequate medication and a lack of ambulances. Critically ill patients require referral to government hospitals outside the camp. However, even in these hospitals, they did not receive adequate care and often suffered from social exclusion. Health centres in the IDP camp were either ill-equipped or poorly stocked, forcing sex workers to purchase their own medicine, including intravenous fluids, since NSW and other NGOs did not provide sufficient help.

Others used only their human capital rather than rely on humanitarian aid:

*If you come to my place, we live in peace because we have everything and there is no problem. All I want from the Nigerian Sex Workers' Association and non-government agencies is good hospitals and medicine for our [...] health because our body is our tool for work. Before COVID-19, I never knew that the Nigerian Sex Workers' Association and non-government agencies were supporting us the way we are today.*²⁵

²² Interview, 7 July 2020.

²³ Interview, 4 May 2020.

²⁴ Interview, 17 May 2020.

²⁵ Interview, 25 May 2020.

Several sex workers welcomed me into their makeshift shelters, which were almost devoid of furniture, clothing, bedding, decent mattresses, and cooking utensils. One interviewee confirmed that ‘... many of the newly joined colleagues are sleeping on mats and rags donated to us’.²⁶

Sex workers resented the lack of independence and the need to rely on NSWa and other NGO aid:

*Our only problem is insufficient food and low numbers of sex customers in the camp here. As you can see, I stay with my colleagues (my business partners) here as a family and I cannot return to my community. Sex workers cannot even leave business partners due to lack of independence. I need a job to earn money to take care of ourselves. I should be able to support my friends here, but I cannot because as a person in the same situation with them I have to wait for the Nigerian Sex Workers’ Association to deliver food once a month. I am not happy with this at all.*²⁷

Personal Challenges

Personal challenges included difficulties in accessing basic hygiene, sanitation, and general well-being, as well as corruption amongst the leaders of the NSWa and the psychological trauma that many sex workers experienced. Personal hygiene was a significant challenge for them, although they did their best to keep their environment and themselves clean. Some, especially the younger ones, frequently bathed with soap and applied body lotion afterwards.

While the Nigerian Sex Workers’ Association and NGOs provided other aid, basic hygienic materials, such as soap and detergent, were not forthcoming and sex workers had to purchase them from their meagre earnings. Interviewees specifically mentioned the hygiene challenges posed by the menstrual cycle, which compromised their health and well-being.

The camp had a limited number of unisex toilets and bathrooms which were located in an open space and lacked privacy. The lack of cleanliness and hygiene was detrimental to everyone’s health, not just that of sex workers, as it led to disease:

The state of basic hygiene in this camp is unbearable, especially for us, sex workers. There is a need to improve those bathrooms because there are few and they’re not well maintained in most of the houses we rented. The bathrooms can make someone sick. Sex workers do not have disinfectants to eliminate

²⁶ Interview, 30 May 2020.

²⁷ Interview, 18 May 2020.

*germs and odours, and if you get sick and seek treatment, you will hardly find the right medication in this environment.*²⁸

It is unimaginable how sex workers could build resilience in such circumstances, which, as stated above, represented a failure on the part of the Nigerian government at both the federal and state levels to provide adequate basic service delivery. In addition to the lack of food and hygienic materials, there was also a shortage of non-food items, such as mosquito nets, blankets, mattresses, and medicines. I also observed that the camp was replete with mosquitoes, indicating a high risk of malaria. Even government officials expressed concern about the poor drainage system, which exposed sex workers to breeding mosquitoes and unhealthy conditions. Against this background of prevailing unsanitary conditions, one official of the camp's management said, 'The camp health centre only received 100 mosquito nets from the government and non-governmental agencies, which is not enough for the sex workers.'²⁹

All supplies from individuals and philanthropic and other organisations were given to NSWA leaders, who were expected to distribute them amongst sex workers. However, logistical problems arose owing to the leaders' inability to account for all the sex workers in the camp and the many who begged around the camp. Furthermore, as mentioned above, the distribution process was rife with favouritism, elitism, and corrupt practices. Given the neglect, stigmatisation, and discrimination by the aforementioned government agencies (NEMA and NCFRMI) in Abuja, it is not surprising that some sex workers were sexually exploited in exchange for physical and financial support. For example, some of the sex workers interviewed alleged that they were short-changed in the allocation of resources because they were not close relatives of the leaders, refused to bribe them, or would not engage in unpaid sexual relations with some of the leaders' male friends and relatives.

All sex workers who participated in the research spoke about neglect, stigmatisation, and marginalisation as factors that affected their daily lives, both inside and outside the camp, owing to the insensitivity and attitudes of NGOs and government agencies. Additionally, most people in the camp were religious, and their religions forbade sex work, which exacerbated the rejection of sex workers.

Psychological Stress

Sex workers reported a lack of access to welfare despite the presence of the Nigerian Sex Workers' Association and NGOs. The aim of supporting sex workers in the camp was to meet their basic needs, but this had not been fully

²⁸ Interview, 14 June 2020.

²⁹ Interview, 8 June 2020.

achieved. If sex workers had not used social networking to survive and access physical, human, and financial capital, which the aid agencies were not providing, they would have been unable to recover from the shocks and stress caused by their internal displacement and the COVID-19 pandemic.

Rehabilitation of the sex workers also proved a challenge because of the extent of their psychological trauma. My research revealed that all sex workers, especially the young ones, experienced considerable psychological trauma due to the COVID-19 pandemic. An interviewee narrated her pain as follows:

As a result of COVID-19, some [members] of my household have been killed... I suffered severe pain.... My household is no longer together... my life is nowhere. I lived on petty drugs in the psychiatric health centre, but now I have taken to looking after myself in the New Kuchingoro camp for IDPs.³⁰

Another detailed her trauma as follows:

I am also traumatised by the experiences I had during COVID-19 that I do not want to think or talk about. I arrived here without my household... now I no longer have my family. None of the organisations in this camp provided me with any special care, treatment, or rehabilitation.³¹

Sex workers recounted the difficult experiences they went through during the COVID-19 pandemic on the one hand, and their fear for the future, on the other. Some had to beg for days without food or drink before receiving aid at the IDP camp. There was also the fear of being kidnapped, as some of their friends had been abducted while going about their daily activities. Some feared being sexually assaulted in the camp because of the inadequate security provided, and there had been reports of attacks on women in the nearby bushes. In addition, some had developed mental health challenges while others had died.

A representative of NSWA narrated horrific experiences:

A woman was psychologically affected after consuming her own waste. I do not understand why but I think it all started after the death of her family member. Some even went crazy because their husbands were murdered in their presence.³²

Most sex workers acknowledged that stress was one of the causes of their psychological state. By speaking about their trauma, the women might have obtained relief and even help. However, a culture of silence prevailed, as the

³⁰ Interview, 11 June 2020.

³¹ Interview, 16 May 2020.

³² Interview, 13 June 2020.

causes of shock and trauma were considered too sensitive to discuss. It seemed that sex workers in the camp felt a responsibility to stay strong, but they often did not know what could help them deal with their psychological wounds.

The challenges of stress and trauma cut across all sex workers. Therefore, any form of assistance, whether livelihood, personal, or psychological intervention, would have had to be sensitive to be effective. However, interventions by NSWA as well as government and non-government agencies were few, owing to operational constraints. These constraints were blamed on the protracted pandemic, legal restrictions to operational mandates, corruption, and limited funding.

Nutrition amongst the Sex Workers in the Camp

Since the onset of the COVID-19 pandemic, sex workers in the camp had relied on non-state welfare and, in some cases, on the little income generated from their sex work for their nutritional needs. However, they still faced challenges obtaining food and other basic amenities.³³ This situation highlights the absence of functioning policies on the part of the Nigerian state in providing humanitarian relief. The life histories and interviews revealed a pervasive sense of insecurity and uncertainty among the sex workers, who struggled to meet their basic needs. Many expressed concerns about how they would feed themselves and their families without support from the state:

How will we feed ourselves as a result of the COVID-19 pandemic and without support from the state?

From where will we get basic amenities?

How do we get food for ourselves?³⁴

Documents from the Abuja branch of the Nigerian Sex Workers' Association indicated that the IDP camp provided between 2,010 and 2,400 calories per day in the form of cereals like sorghum.³⁵ However, interviews with NSWA staff in Abuja revealed that the actual amount was much less, with a more realistic figure being between 1,230 and 1,400 calories and usually closer to 1,300.³⁶ The protein intake of sex workers was also insufficient, ranging from 25.4 to 30.4 grams a day if they were lucky. The main staple foods were rice and millet, which resulted in a

³³ Interview, 16 May 2020.

³⁴ Interview, 14 June 2020.

³⁵ Unpublished documents from the Nigerian Sex Workers' Association, 20 May 2020.

³⁶ Interview, 27 May 2020.

starch-heavy diet that was seriously deficient in protein, vitamins, and minerals.³⁷ Some sex workers had not received sufficient food. One interviewee explained:

*Because the majority of us doing this sex business are living together, once a month, or within a space of 50 days, we buy food. We always buy rice, at times two bags each for beans and rice weighing 25 kg. The food runs out within three weeks, and we sometimes sell it to purchase other food we need for survival because rice is very cheap and the most common food at the camp.*³⁸

The sex workers in the camp typically ate two meals per day when possible and relied on leftovers from the previous day for breakfast.³⁹ However, the number of meals varied considerably, with some sex workers living on just one meal a day during the pandemic. Cereals were the primary food source and they were acquired by household members and then either sold or consumed. Vegetables were sometimes available, but they were usually obtained from neighbours or through sex work outside the camp.⁴⁰

Cereals like rice and wheat are associated with income elasticity, with daily per capita consumption ranging from 922 grammes for better-off households to 212 grammes for poorer households.⁴¹ For about 25 per cent of the time in the camp during the pandemic, millet and sorghum were replaced with rice and wheat, which are less expensive.⁴² Cereal consumption was so high that some sex workers would rather go hungry than consume beans, which were unfamiliar to them. Groundnuts and other nuts were consumed in small quantities.⁴³

Akombi-Inyang has pointed out that malnutrition, which is highly prevalent in Nigeria, is closely linked to poverty.⁴⁴ Forty-seven per cent of Nigerians (98 million people) experience multidimensional poverty, including deprivation, poor living standards, polluted environments, and the threat of violence.⁴⁵ The

³⁷ Interview, 1 June 2020.

³⁸ Interview with sex worker, 21 June 2020.

³⁹ Interview with sex worker, 8 June 2020.

⁴⁰ Interview with camp official, 3 June 2020.

⁴¹ Interview with camp official, 14 May 2020.

⁴² Interview with camp official, 19 May 2020.

⁴³ Interview with camp official, 2 July 2020.

⁴⁴ B Akombi-Inyang, 'Malnutrition among Children is Rife in Nigeria: What must be done', *The Conversation*, 22 July 2021, <https://theconversation.com/malnutrition-among-children-is-rife-in-nigeria-what-must-be-done-164496>.

⁴⁵ *Ibid.*

conditions in the New Kuchingoro camp for IDPs and COVID-19 have made the situation even worse.⁴⁶

Livelihood Mechanisms in the New Kuchingoro IDP Camp

Most of the sex workers in the camp were unmarried or divorced with little family support. During the COVID-19 pandemic, due to the lack of customers or state welfare, many had to generate income using skills that required little or no formal education or training.⁴⁷ In many cases, sex workers did housework for people in their social network, using their social and human capital to acquire the financial capital needed to meet their needs. However, the income earned was barely enough to meet their food and health needs, rendering this means of support unsustainable.

In addition to housework, sex workers in the camp earned a livelihood through social networking, including trading, shopkeeping, livestock management, agriculture, and collective enterprises.⁴⁸ However, they spent considerably more than the income they earned in the camp.⁴⁹ Despite these efforts, most sex workers did not have the patronage of well-to-do individuals both inside and outside the camp, credit, or other opportunities such as begging. They were denied credit because they lacked permanent residences and a stable income. Additionally, residing in the camp served as a disadvantage as it confers a low socio-economic status on its residents.

Sex workers did not sell their labour to employers but preferred to work independently, which in some cases helped them obtain more money compared to others during the pandemic. The problem was that they could not engage in large-scale trading due to insufficient capital, forcing them to sell goods from door to door.⁵⁰ As discussed below, earning income through trade appeared to be one of many strategies employed by the sex workers in the camp, which posed significant challenges.

⁴⁶ Interview with sex worker, 7 May 2020.

⁴⁷ Interview with NSW representative, 19 June 2020.

⁴⁸ Interview with NSW representative, 5 June 2020.

⁴⁹ Interview with camp official, 21 June 2020.

⁵⁰ Interview with NSW representative, 3 June 2020.

Social Networking and Sustenance in the Camp

Sex workers indicated that they used social, human, and financial capital to survive, even though their efforts were unsustainable and usually short-lived. To cope with the stress and hardship brought about by the COVID-19 pandemic, sex workers in the camp relied on one another and various agencies, creating a support system that came at a significant cost in terms of time and resources, but which they deemed essential. They created reciprocal relationships with other sex workers, for example, by sharing extra food or lending money to one another.⁵¹

Sex workers also used social networking to find work in the streets of low-income estates in Abuja, although these jobs were seasonal and few and far between. Since there was a surplus of sex workers seeking work, good relationships with men of low socio-economic status in Abuja were essential to finding work.⁵² Low-status men also gave moral and financial support above and beyond the support sex workers received from other members of their social networks. Therefore, because of social networking, sex workers could find the support they needed during the pandemic.

Likewise, networking with members of the Nigerian Sex Workers' Association provided a source of social capital that helped to boost women's human and financial capital. Despite issues related to corruption, the NSWA also helped them meet their basic needs, such as food, labour, shelter, and financial support, in a way that reflected shared responsibility and group membership.⁵³ In general, NGOs, philanthropists, and faith-based groups provided more support to sex workers than state welfare organisations. This highlights the importance of non-state actors in aiding marginalised communities during times of crisis, such as the COVID-19 pandemic.

Sex workers in the camp engaged in various subsistence activities to enhance their resilience and improve their quality of life. For instance, they generated income by buying and selling items within and outside the camp. Since most sex workers lacked sufficient capital and lived in poverty, they could not trade in regular markets; they relied on social connections, which were often from humanitarian agencies as well as past or current sex work, to obtain their supplies. One interviewee said:

Look at me. I am 45 and not lazy in my sex work. I have been in the sex business for the past 23 years now. Before COVID-19, I was into professional sex business here, as I could feed myself, send money to my siblings, and buy

⁵¹ Interview with sex worker, 13 July 2020.

⁵² Interview with NSWA representative, 1 July 2020.

⁵³ Interview with NSWA representative, 26 June 2020.

*beautiful clothes that can attract my customers. When COVID-19 started, I gave up everything. The Nigerian Sex Workers' Association and government assistance is not enough. I am now engaging in a small-scale business, selling goods in the New Kuchingoro camp for IDPs.*⁵⁴

Sex workers also prepared food for sale for people transporting goods to the camp. Food preparation was a major source of income for some, as demand was constant and involved cooking rice, spaghetti, and beans, for example. One sex worker said, 'I sell rice and beans for other people [in the camp] ... to generate more income that will support my family'.⁵⁵

Sex workers often bartered their labour in return for a meal or specific types of food or other goods. As mentioned, some were engaged in other forms of labour, such as doing laundry and loading goods, working as domestic workers for the marketers and buyers in the camp,⁵⁶ and even begging.⁵⁷

Some sex workers lent small amounts of money to others from their savings at minimal interest rates. They also often had to borrow necessities like food and items for maintaining their shelters. They borrowed money for emergencies but also to meet immediate household needs.

Interest rates were minimal or non-existent when borrowing from friends and acquaintances. Without social networks, they would have been forced to borrow at high-interest rates from informal money lenders. Nevertheless, some sex workers who sought loans, ranging between NGN 10,000 and 50,000 (USD 15 and 80), to finance businesses using formal and informal networks usually managed it well because of their entrepreneurial skills. Therefore, access to credit emphasised the value of social relationships as channels for reducing poverty and accumulating assets, which could act as security for bigger loans and lead to a sustainable livelihood if managed well. For instance, those who sold goods often borrowed from neighbours who were subsequently repaid in cash or kind.

State Welfare in the Camp

Sex workers told me that they were unable to sustain their livelihoods without some assistance from state and non-state agencies, despite the alternative income-generating activities they pursued during the pandemic. They expressed concerns about the lack of financial capital needed to expand their non-sexual businesses and the challenges of achieving financial independence.

⁵⁴ Interview with sex worker, 9 May 2020.

⁵⁵ Interview with sex worker, 22 July 2020.

⁵⁶ Interview with NSW representative, 5 May 2020.

⁵⁷ Interview with NSW representative, 14 June 2020.

State agencies, politicians, and various charitable organisations provided a significant portion of the relief that sex workers received. However, this aid was insufficient, and in some cases, did not arrive on time,⁵⁸ especially during the peak of the COVID-19 health crisis. This reflected poorly on the government, as it negatively affected the well-being of sex workers. Moreover, this frustration was compounded by the expectation that the state would take care of them, provide support, and help them reintegrate into their communities. This expectation was particularly high among those who had previously held formal employment before turning to sex work.

Overall, sex workers faced many challenges during the pandemic, including inadequate financial support, limited opportunities for income from sex work or other work, and societal stigma. Government and non-government organisations need to do more to ensure that sex workers receive adequate support, especially during times of crisis, to improve their overall well-being and long-term prospects.

Conclusion

Humanitarian relief and support programmes in the camp were targeted at IDPs in general and not just sex workers. However, prejudice and discrimination against sex workers meant that government agencies overlooked them. Sex workers constituted the most marginalised population when it came to the distribution of supplies or help to those who were stressed and stigmatised.

Although some sex workers benefitted from humanitarian interventions, the support provided was insufficient and did not even cover half of those in the camp. Moreover, at the time of my research, the number of sex workers in the camp was likely to increase given the prevailing negative economic situation. Thus, humanitarian interventions need to be increased not only for sex workers in the camp but also elsewhere in the country. In addition, as indicated in the literature, urgent attention from the Nigerian government in the form of policy adjustments is required to increase security and welfare in the IDP camps.

A 2018 study found that access to affected populations, security concerns, and coordination amongst actors were major challenges facing humanitarian interventions in the New Kuchingoro IDP camp.⁵⁹ The authors recommended increased efforts by humanitarian actors and the government to address the infrastructure and welfare of the women in the camp, provide them with palliatives

⁵⁸ Interview with camp official, 6 June 2020.

⁵⁹ T F Ajayi, 'Women, Internal Displacement and the Boko Haram Conflict: Broadening the debate', *African Security*, vol. 13, no. 2, 2020, pp. 171–194, <https://doi.org/10.1080/19392206.2020.1731110>.

in the form of cash and free food to cushion the effect of COVID-19, and build hospitals. Other studies have also explored the need for increased humanitarian aid in Nigeria.⁶⁰

The New Kuchingoro IDP camp saw a variety of humanitarian interventions, including training in entrepreneurship to help sex workers become self-sufficient and less dependent on aid. But if conditions in the camp had been favourable, sex workers could have used their resourcefulness to make money. For instance, they had already demonstrated their ability to trade various goods, which became a popular coping mechanism and enabled them to sustain their livelihoods. However, the modest sums of money they received from non-government organisations and benefactors were used to cover their daily expenses, leaving them with no money to invest in their own businesses. Sex workers frequently render their services at extremely low prices to make just enough money to buy food for themselves and some additional commodities to sell.

Many of the sex workers living in the camp preferred receiving financial assistance to support profitable activities that could generate additional income, which would help them expand their businesses by purchasing more raw materials, machinery, and household tools. Furthermore, they obtained goods from wholesalers, bypassing the retailers, so as to increase their profit margins. Some sex workers were also able to purchase items like rice and chicken, which were smuggled into the camp, and sold them for a profit.

Sex workers in the camp displayed resilience and resourcefulness and managed multiple income streams. In addition, as they demonstrated a range of skills and abilities, they were successful in earning money with the right support. However, this does not mean that they did not require humanitarian assistance. Rather, I believe that government organisations could encourage the independence of IDPs, like sex workers, by providing greater assistance than was available to those in my study, as they could generate income with even a small amount of support. Therefore, by exploring the coping mechanisms of resilient IDPs, government and non-government organisations could develop humanitarian assistance programmes that not only alleviate suffering during crises such as the COVID-19 pandemic but also support livelihood restoration, income recovery, and sustainable employment.

⁶⁰ United Nations Office for the Coordination of Humanitarian Affairs, 'Humanitarian Response Plan: Nigeria', 2021, <https://reliefweb.int/report/nigeria/nigeria-2021-humanitarian-response-plan-february-2021>.

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Key Stakeholder Perspectives on the Potential Impact of COVID-19 on Human Trafficking for the Purpose of Labour Exploitation

Muiread Murphy

Abstract

While human trafficking in its different forms has received growing recognition, currently there is an absence of research providing empirical evidence on the potential impact of COVID-19. COVID-19 and its related challenges provide a lens through which the vulnerability and complexities inherent in human trafficking can be further ascertained and analysed. This article explores challenges encountered by key stakeholders primarily operating in the field of countering human trafficking for the purpose of labour exploitation across Europe. These challenges are categorised as increased vulnerability to human trafficking for the purpose of labour exploitation; the impact on services and support; and limitations on professional duties. A qualitative method involving sixty-five semi-structured interviews was employed to capture the on-the-ground experiences of a diverse cohort of stakeholders active during the pandemic.

Keywords: COVID-19, key stakeholders, qualitative data, challenges, Europe, labour exploitation

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Introduction

The lasting impact of COVID-19 remains a global concern for potentially contributing to instances of human trafficking.¹ The United Nations Special Rapporteur on trafficking in persons, especially women and children outlined that the crisis ‘has a potentially far-reaching, long-term negative impact on trafficked and exploited persons’.² Media reports and press releases from international organisations sought to draw attention to severely exploitative circumstances faced by individuals during this period.³ Although research regarding the impact of COVID-19 on human trafficking has emerged, for example, in India⁴ and the Philippines,⁵ European studies remain limited. Moreover, there is a scarcity of qualitative studies exploring other challenges experienced during COVID-19.⁶ This article aims to address this gap by contributing to the evaluation of the potential effects of COVID-19 on human trafficking for the purpose of labour exploitation (HTLE) across Europe.

Previous research has documented how disasters and crises can result in situations that may facilitate human trafficking offences.⁷ As COVID-19 spread, a number

¹ United Nations Office on Drugs and Crime (UNODC), *Impact of the COVID-19 Pandemic on Trafficking in Persons: Preliminary findings and messaging based on rapid stocktaking*, UNODC, Vienna, 2020.

² M G Giammarinaro, Special Rapporteur on Trafficking in Persons, Especially Women and Children, *COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons*, United Nations, 2020, p. 2.

³ European Union Agency for Fundamental Rights (FRA), ‘Stop Labour Exploitation and Protect Workers From COVID-19’, 13 July 2020, <https://fra.europa.eu/it/news/2020/stop-labour-exploitation-and-protect-workers-covid-19>; A Kelly, ‘Garment Workers Face Destitution as COVID-19 Closes Factories’, *The Guardian*, 19 March 2020, <https://www.theguardian.com/global-development/2020/mar/19/garment-workers-face-destitution-as-covid-19-closes-factories>; United Nations Human Rights Office, ‘Exploitation of Desperate Workers Should Never Be the “New Normal”, Says UN expert’, 30 July 2020, <https://www.ohchr.org/en/press-releases/2020/07/exploitation-desperate-workers-should-never-be-new-normal-says-un-expert>.

⁴ G Byrne *et al.*, ‘Fluid Vulnerabilities: Narratives of modern slavery in India during lockdown’, *Journal of Modern Slavery*, vol. 6, issue 2, 2021, pp. 51–78.

⁵ L Cordisco Tsai, J Eleccion, and A Panda, ‘Impact of the COVID-19 Pandemic on Survivors of Human Trafficking in the Philippines’, *Journal of Modern Slavery*, vol. 6, issue 2, 2021, pp. 231–46.

⁶ United Nations Office on Drugs and Crime (UNODC), *The Effects of the COVID-19 Pandemic on Trafficking in Persons and Responses to the Challenges: A global study of emerging evidence*, UNODC, Vienna, 2021, p. 75.

⁷ See, for example: Z Bowersox, ‘National Disasters and Human Trafficking: Do disasters affect state anti-trafficking performance?’, *International Migration*, vol. 56, issue 1, 2017,

of international organisations appealed for enhanced efforts to address organised crime and illicit labour markets, including human trafficking.⁸ These calls arose due to concerns that COVID-19 could fuel the primary drivers of HTLE among vulnerable and marginalised groups given the growing rates of poverty, the absence of social or economic opportunities, and the associated risks from conflict or instability.⁹ As Richey argues, 'It is precisely when our global community is shaken by a crisis of this magnitude that our obligation to combat the exploitation of vulnerable people becomes most acute'.¹⁰ Additionally, COVID-19 impacted the response to human trafficking in relation to the effective and efficient identification of victims, provision of assistance and support to victims, protection and prevention measures, and accessing compensation.¹¹ Building on these recent reports, the subsequent sections outline the main qualitative findings derived from the primary data collection phase of this study.

The Pandemic in Europe

COVID-19 was first detected in Europe in January 2020¹² and caused several infection waves. The first peaked in spring 2020 and eased during that summer. The second peaked in autumn 2020 and endured throughout the winter period. As a result of mass vaccination campaigns, by October 2021, more than 74 per cent of all adults over the age of eighteen in the European Union (EU) and European Economic Area (EEA) had received a vaccination, although there were notable differences across the countries. During the periods of high concern, strict public health measures with varying durations were imposed across European states to reduce virus transmission. This resulted in the shutdown of a number

pp. 196–212, <https://doi.org/10.1111/imig.12374>; A Tillinac *et al.*, *Addressing Human Trafficking and Exploitation in Times of Crisis*, International Organization for Migration (IOM), Geneva, 2015.

⁸ Global Initiative Against Transnational Organized Crime (GITOC), *Crime and Contagion: The impact of a pandemic on organized crime*, GITOC, Geneva, 2020.

⁹ Global Initiative Against Transnational Organized Crime (GITOC), *Aggravating Circumstances: How coronavirus impacts human trafficking*, GITOC, Geneva, 2020, p. 9; Office to Monitor and Combat Trafficking in Persons, *2021 Trafficking in Persons Report*, United States Department of State (USDS), Washington, 2021, p. 2.

¹⁰ V Richey, 'Statement by OSCE Special Representative for Combating Trafficking in Human Beings on Need to Strengthen Anti-Trafficking Efforts in a Time of Crisis', OSCE, 2020.

¹¹ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, ODIHR, Warsaw, 2020, p. 153.

¹² A Moreira *et al.*, 'In the Eye of the Storm...Again! Social policy responses to COVID-19 in Southern Europe', *Social Policy & Administration*, vol. 55, issue 2, 2020, pp. 339–357, <https://doi.org/10.1111/spol.12681>.

of economic sectors, border closures, travel restrictions, bans on public events, and the imposition of social distancing and mask-wearing requirements. These responses were generally quite similar across Europe.¹³ Most restrictions were lifted in 2022. As of May 2023, the World Health Organization reports that there have been a total of 277,478,963 cases and 2,241,071 deaths in the European region due to COVID-19.¹⁴ COVID-19 remains a concern, as new variants continue to emerge.

In seeking to provide an overview of the potential impact of COVID-19 in relation to HTLE from the perspective of key stakeholders, this article is structured as follows. It begins by outlining the research methodology and identifies the characteristics of the stakeholders who participated. The findings are set out in three sections: perceived vulnerability of individuals to HTLE; the impacts on services and support available to victims; and the limitations on professional duties. A brief conclusion follows.

Methodology

This paper is based on qualitative data obtained through semi-structured interviews with key stakeholders involved in addressing forms of severe labour exploitation, primarily HTLE. A total of sixty-five interviews were conducted with labour inspectors, law enforcement officers, and government officials, as well as members of non-governmental organisations and trade unions across twenty-three countries in Europe (within and outside the European Union).

I obtained ethical approval from Maynooth University's Research Ethics Committee and conducted all data collection in compliance with the EU General Data Protection Regulation requirements. Prior to the interviews, I provided participants with an information sheet and a consent form, which outlined the purpose of the study. All participants were anonymised, unless explicit permission was provided.

This data collection took place between December 2020 and March 2021 and, thus, occurred during the associated national COVID-19 restrictions. As such, it was necessary to engage with alternative data collection methods for qualitative research. While face-to-face interviews have been deemed to be the 'optimal

¹³ B Colfer, 'Public Policy Responses to COVID-19 in Europe', *European Policy Analysis*, vol. 6, issue 2, 2020, pp. 126–137, <https://doi.org/10.1002/epa2.1097>.

¹⁴ World Health Organization (WHO), *COVID-19 Situation in the WHO European Region*, WHO, 2023, retrieved 29 May 2023, <https://who.maps.arcgis.com/apps/dashboards/ead3c6475654481ca51c248d52ab9c61>.

way to actively engage with research participants',¹⁵ this research project was adapted to the changing circumstances. As a result, I conducted the interviews primarily using online communication platforms, such as Microsoft Teams, and by phone. The interviews lasted between 18 and 105 minutes, with an average duration of 52 minutes. The interviews were audio-recorded and transcribed verbatim. I conducted thematic analysis using NVivo12 to code and categorise the main themes derived from the interviews.¹⁶ The use of this software helped to counteract potential selection bias, with thematic analysis deemed appropriate for analysing larger data sets.¹⁷

For the purpose of this research and to address the gap in the literature, I applied a purposive sampling approach in determining the research sample. At the outset, participants were contacted via publicly available contact details, primarily published on the websites of governmental, non-governmental, and relevant European organisations, such as the European Commission. Snowball sampling was used on five occasions. I contacted participants directly upon being recommended by other study participants who provided the relevant information and contact details. The inclusion criteria required that participants were English-speaking professionals directly engaged in responding to human trafficking. All participants were aged above 18 years. The sixty-five interviews were comprised of seventy-eight participants, with twenty-eight non-governmental organisation (NGO) participants, ten National Coordinators or National Rapporteurs, eleven trade unionists, eleven government officials, eight labour inspectors, nine law enforcement officials, and one European research body representative.

Such a methodological approach facilitates an assessment of the practical implementation of the policy and regulatory decisions imposed by states. This on-the-ground perspective is effective in drawing attention to the increased difficulties experienced during COVID-19. The different perspectives provided by each group of interviewees furnish a better contextual understanding of the implications of COVID-19 in practice, and how they are viewed by the stakeholders themselves. The purpose of this data collection is to include diverse voices in this sphere which have not yet been fully explored in the literature. These alternative perspectives can be contrasted with official responses to the problem.¹⁸ It must be acknowledged that the perspectives of these participants may not necessarily be representative of the experiences of *all* stakeholders involved in the field of counter-human

¹⁵ N James and H Busher, *Online Interviewing*, Sage Publications, London, 2009, p. 11.

¹⁶ H Bocije, *Analysis in Qualitative Research*, Sage Publications, London, 2010, p. 95.

¹⁷ L S Nowell *et al.*, 'Thematic Analysis: Striving to meet the trustworthiness criteria', *International Journal of Qualitative Methods*, vol. 16, issue 1, 2017, pp. 1–13, <https://doi.org/10.1177/1609406917733847>.

¹⁸ M Hennink, I Hutter, and A Bailey, *Qualitative Research Methods*, Sage Publications, London, 2011, p. 109.

trafficking work; for example, social workers or healthcare personnel were not interviewed in this research.

Prior to the onset of COVID-19, frontline personnel were considered as necessary stakeholders in attempting to prevent, protect against, and prosecute the offence of HITLE. International bodies¹⁹ and academics²⁰ alike have called for the integration of additional stakeholders and organisations in this process. Active stakeholders encountered challenges in addressing this complex criminal offence before the emergence of COVID-19, and these were exacerbated during the pandemic. This study aims to highlight that while these challenges are not necessarily new and the essential role of such key stakeholders in this field must continue to be acknowledged and resourced by states, the challenges were further compounded. The voices and perspectives of these stakeholders engaged in the practical implementation of national policies are vital in assessing the on-the-ground experiences in reality, particularly from an operational perspective.

The themes emerging from this qualitative study are not intended to represent an exhaustive account of the potential impacts of COVID-19. The study attempts to address a current gap in the literature by outlining the most pressing areas of concern as articulated by these participants during intense COVID-19 restrictions.

Findings

Increased Vulnerability of Individuals to Human Trafficking for the Purpose of Labour Exploitation

The circumstances of victims of trafficking are complex, diverse, and may not be fully understood. Distinguishable characteristics of vulnerability identified in the scholarly literature include, but are not limited to, irregular immigration status,

¹⁹ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons – A practical handbook*, OSCE, 2004, p. 64; Group of Experts on Action against Trafficking in Human Beings (GRETA), *Fourth General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014*, Council of Europe, Strasbourg, 2015, p. 40.

²⁰ A Ricard-Guay and J Hanley, 'The Challenge of Addressing Both Forced Labor and Sexual Exploitation', in J Winterdyk and J Jones (eds.), *The Palgrave International Handbook of Human Trafficking*, Palgrave Macmillan, London, 2020, p. 289; E Marks and A Olsen, 'Policy and Practice: The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion', *Anti-Trafficking Review*, issue 5, 2015, pp. 111–128, <https://doi.org/10.14197/atr.20121557>.

disadvantaged socio-economic backgrounds, poverty, and low education levels.²¹ It is also important to acknowledge that the characteristics of victims differ depending on recruiters, sectors of employment, and the countries of origin or destination.²² Galos *et al.* define vulnerability as ‘the diminished capacity of an individual or group to have their rights respected, or to cope with, resist or recover from exploitation, or abuse’.²³ Vulnerability can result from two main factors: the particular characteristics of the individuals and the labour sectors; and the lack of labour law protections which may create precarious employment situations.²⁴ Thirty participants in this study referred to the increased vulnerabilities of certain groups to HTLE. One Dutch NGO participant stated that ‘those group [*sic*], which is already quite vulnerable, gets even more vulnerable now’,²⁵ with a National Rapporteur indicating that ‘the situation is really difficult for many people and the marginalised persons are even more marginalised’.²⁶ Specific concern was raised for migrant workers, undocumented workers, seasonal workers, and those already enduring poor working conditions. As previous research has documented, migrant workers can be particularly vulnerable to exploitation if their immigration status is ‘illegal/irregular’ or unlawful.²⁷

In terms of this increased vulnerability among certain groups, one NGO interviewee stressed that the current climate has ‘highlighted where the weaknesses are in our political, business, economic and cultural systems’.²⁸ The United Nations Trafficking Protocol of 2000 ‘recognises the specific vulnerability caused by structural socio-economic and political challenges, such as chronic poverty and

²¹ For example, M Radeva Berket, ‘Labour Exploitation and Trafficking for Labour Exploitation – Trends and Challenges for Policy-Making’, *ERA Forum*, vol. 16, issue 3, 2015, pp. 359–377, <http://doi.org/10.1007/s12027-015-0389-9>.

²² C Allais, ‘The Profile Less Considered: The trafficking of men in South Africa’, *South African Review of Sociology*, vol. 44, issue 1, 2013, pp. 40–54, <https://doi.org/10.1080/21528586.2013.784447>.

²³ E Galos *et al.*, *Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean migration routes*, International Organization for Migration (IOM), Geneva, 2017.

²⁴ D Demetriou, ‘“Tied Visas” and Inadequate Labour Protections: A formula for abuse and exploitation of migrant domestic workers in the United Kingdom’, *Anti-Trafficking Review*, issue 5, 2015, pp. 69–88, <https://doi.org/10.14197/atr.20121555>.

²⁵ Interview 18.

²⁶ Interview 39.

²⁷ Europol, *Trafficking in Human Beings in the European Union*, Europol, 2011, p. 7; United Nations Human Rights Office, *Human Rights and Human Trafficking*, United Nations, New York and Geneva 2014, p. 16; European Union Agency for Fundamental Rights (FRA), *Protecting Migrant Workers from Exploitation in the EU: Workers’ perspectives – The Netherlands*, FRA, Vienna, 2017, p. 48.

²⁸ Interview 2.

unemployment, and requires that states take appropriate measures to prevent the victimisation and revictimization of trafficked victims'.²⁹ In this regard, an Austrian interviewee described a stark effect of COVID-19 in terms of employment opportunities, stating that individuals 'have been trafficked because in times of COVID, a work offer, like the only work offer that they got was from a trafficker. So they went. Of course, they didn't know but ... the traffickers exploited this global pandemic'.³⁰

Five interviewees stated that COVID-19 particularly affected individuals 'that are in precarious situations' in terms of their employment³¹ or those employed in 'a grey area'.³² Such precarity, particularly among migrant workers, has been highlighted in literature.³³ It is further compounded by the economic and labour market consequences of COVID-19, and participants shared that 'it forces people to accept even worse' working conditions,³⁴ 'fall for the deceptive offers',³⁵ and that 'the crisis might lead to worsen the phenomenon of trafficking'.³⁶ Therefore, the risk factors previously identified as increasing the vulnerability of people to HTLE were intensified by the effects of COVID-19 on the labour market.

Human traffickers employ different methods of control and coercion to ensure that victims remain in their exploitative situation, such as withholding of documentation, including passports, psychological violence, threats of physical harm, threats against family members, and threats of deportation.³⁷ This makes it difficult for victims to seek help to leave their exploitative situations. As the former UN Special Rapporteur on trafficking observed, COVID-19 is 'shaping the way human trafficking is perpetrated'.³⁸ Another concern raised by study participants centred on unscrupulous employers who might take advantage of

²⁹ J Haynes, *Caribbean Anti-Trafficking Law and Practice*, Hart Publishing, Oxford, 2019, p. 54.

³⁰ Interview 49.

³¹ Interview 11.

³² Interview 13.

³³ H Lewis and L Waite, 'Migrant Illegality, Slavery and Exploitative Work', in G Craig *et al.* (eds.), *The Modern Slavery Agenda: Policy, politics and practice in the UK*, Policy Press, Bristol, 2019, pp. 219–242, p. 220.

³⁴ Interview 3.

³⁵ Interview 43.

³⁶ Interview 16.

³⁷ D M Doyle *et al.*, "'I Felt Like She Owns Me": Exploitation and uncertainty in the lives of labour trafficking victims in Ireland', *British Journal of Criminology*, vol. 59, issue 1, 2019, pp. 231–251, <https://doi.org/10.1093/bjc/azy025>.

³⁸ Giammarinaro, p. 10.

these developing conditions of vulnerability.³⁹ A Swiss trade union participant stated that these are ‘the best circumstances for employers who want to misuse this situation’.⁴⁰ The interviewees indicated that the rising rate of poverty and unemployment resulted in individuals being increasingly susceptible to severe forms of labour exploitation. A Swedish government official noted that ‘they take whatever job of course they can get’.⁴¹ High unemployment rates, whilst previously identified as a push factor,⁴² worsened during the pandemic.

Previous research has concluded that while human trafficking can take many forms, occurring in numerous sectors and industries, in terms of HTLE specifically, there are areas in which such cases are commonly detected and viewed as creating or exacerbating the vulnerability of workers to labour exploitation.⁴³ Sectors identified within the literature include, for example, domestic work, fishing, construction, manufacturing, service industries, and agriculture.⁴⁴ COVID-19 affected the occurrence and visibility of HTLE in specific sectors and industries. As one trade union interviewee observed in their jurisdiction, ‘the tourism industry is non-existent [during the period of COVID-19 restrictions]. So we don’t have these tough cases within the tourism industry, which was a really big headache and took [a lot of] resources before COVID’. The same participant also noted changes in the construction industry where they ‘are seeing far less cases’.⁴⁵ One German NGO participant recalled in the context of the agricultural sectors ‘that there are a lot of problems with people being in quarantine, but not being safe, not being paid, being very dependent on the employers, and a lot more than before’.⁴⁶ Another NGO interviewee from the Netherlands indicated that during COVID-19, ‘a lot of people in the food industry, food processing, were quite

³⁹ P Dwyer *et al.*, ‘Socio-legal Status and Experiences of Forced Labour Among Asylum Seekers and Refugees in the UK’, *Journal of International and Comparative Social Policy*, vol. 32, issue 3, 2016, pp. 182–198, <https://doi.org/10.1080/21699763.2016.1175961>.

⁴⁰ Interview 3.

⁴¹ Interview 62.

⁴² R Tallmadge and R J Gitter, ‘The Determinants of Human Trafficking in the European Union’, *Journal of Human Trafficking*, vol. 4, issue 2, 2018, pp. 155–168, <https://doi.org/10.1080/23322705.2017.1336368>.

⁴³ M Lee, *Trafficking and Global Crime Control*, Sage Publications, London, 2011, p. 41.

⁴⁴ H Lewis *et al.*, ‘Hyper-precarious Lives: Migrants, work and forced labour in the Global North’, *Progress in Human Geography*, vol. 39, issue 5, 2015, pp. 580–600, <https://doi.org/10.1177/0309132514548303>.

⁴⁵ Interview 1.

⁴⁶ Interview 17.

vulnerable’.⁴⁷ These participants noted that exploitative situations were heightened due to the imposition of local and national restrictions, which are discussed below.

Impacts on Services and Support Available to Victims

The activities of civil society stakeholders, such as NGOs and trade unions, were affected by COVID-19. This included, for example, disruptions in providing face-to-face services, while ‘many of them have not been consulted by their governments in developing and implementing COVID-19 responses’ in terms of requests for support and assistance.⁴⁸ The United Nations Office on Drugs and Crime (UNODC) found that such stakeholders encountered significant challenges in conducting their normal activities during the pandemic as a result of, for example, reduced financial resources; difficulties in reaching vulnerable groups and trafficked persons; and increased needs of vulnerable people and victims for support services.⁴⁹ A Bulgarian NGO interviewee described the impact on their work: ‘We faced a lot of challenges, because we have to really change the way we are working, we have to restructure and adapt our services to these new situations’.⁵⁰ In this section, I explore the specific disruptions experienced by the respondents.

Hanley and Gauci identified some short-term impacts of COVID-19, including the disruption of ‘the provision of, and access to, protection services for both potential and identified trafficked persons’.⁵¹ In this study, participants were particularly concerned with the inability of victims to access services and support, stating that victims were less able ‘to find help and to get to where they could denounce the situation they were being victims of’ during COVID-19.⁵² This strand of the research illustrates the specific impact of COVID-19 on victims who managed to leave their human trafficking situation and who were subsequently seeking assistance and support.

Across the world, local and national restrictions on movement, often referred to as ‘lockdowns’, were introduced to stem the spread of the virus. However, these lockdown measures raised concerns about the visibility of potential victims of

⁴⁷ Interview 18.

⁴⁸ T Obokata, *et al.*, *Good Practice in Protecting People from Modern Slavery during the Covid-19 Pandemic: Research summary*, Modern Slavery & Human Rights Policy & Evidence Centre, 2021, p. 5.

⁴⁹ UNODC, 2021, p. 45.

⁵⁰ Interview 25.

⁵¹ I Hanley and J P Gauci, ‘COVID-19’s Impact on Anti-Trafficking Efforts: What do we know?’, *Journal of Modern Slavery*, vol. 6, issue 2, 2021, p. 11.

⁵² Interview 33.

trafficking and the ability of stakeholders to identify them.⁵³ Moreover, as a Swiss trade union official shared, the ‘pandemic added something in the psychological and physical coercion for people’ who are unable to escape their exploitative situation.⁵⁴ A number of additional challenges resulting from the imposition of national lockdowns were noted by twelve participants. These included decreased access to support and assistance, a reduction in the ability of members of the public to encounter instances of human trafficking, and the impact that this had in terms of reporting rates. From the perspective of those working to detect cases of HTLE, one government official from Luxembourg stated: ‘When everything was closed, we have no idea what happens with the people working in the restaurants. Are they sent back? Are they going back on their own?’⁵⁵

The importance of adequate shelters and support for victims of human trafficking cannot be overstated. As the former UN Special Rapporteur indicated, ‘Without access to shelters, health care and psychological assistance, victims of trafficking, even when identified, might be re-victimized’.⁵⁶ Friman and Reich found that safe shelter and accommodation can contribute to both the physical and psychological recovery of trafficked persons, ‘giving them the feeling that their needs are being looked after and their worries are being taken seriously’.⁵⁷ During COVID-19, accessing sheltered accommodation was difficult due to shelter closures and their inability to accept new clients.⁵⁸ This was raised as a limitation by participants in this study who stated that the ‘shelters have to be protected, you could accept less people’,⁵⁹ and that it was very difficult to keep the service ‘accessible to people, because now when someone needs accommodation, we can’t simply tell her “just come”’.⁶⁰ One Belgian NGO interviewee succinctly articulated the complexities encountered by service providers in the context of lockdowns and mandatory quarantine requirements:

If we had, for example, a victim that we thought we could take [...], then there were these conditions of the shelter house that they have to stay in a quarantine for, like 10 days or something, in the beginning and the first week,

⁵³ Modern Slavery & Human Rights Policy & Evidence Centre, *Policy Brief: Impact of Covid-19 on identification of potential victims of modern slavery in the UK in 2020*, MSPEC, 2021, p. 8.

⁵⁴ Interview 3.

⁵⁵ Interview 16.

⁵⁶ Giammarinaro, p. 6.

⁵⁷ H R Friman and S Reich (eds.), *Human Trafficking, Human Security, and the Balkans*, University of Pittsburgh Press, Pittsburgh, 2007, p. 124.

⁵⁸ ODIHR, 2020, p. 155.

⁵⁹ Interview 18.

⁶⁰ Interview 25.

and then a lot of people, they come out of a situation where they are feeling captured by somebody and you have to propose [to] them, 'Oh yeah, we can take you out of there. But we will lock you up in our own house'. I think on a psychological [level] that was very difficult and that some of the victims that we should have reached, we lost.⁶¹

Sixteen participants described a reduction in service provision and the alternative measures put in place, with some interviewees outlining that services which used to be provided face-to-face were now conducted by phone or internet. While this enabled some support to continue, issues arose in terms of language barriers and when individuals seeking help did not have mobile phones or lacked access to the internet.

Limitations on Professional Duties

The UNODC indicated that challenges arose in this context, noting that 'Normal police and immigration activities such as investigations, labor inspections and border monitoring—which are already challenging in “normal” times—have slowed or stalled for periods of time, meaning that traffickers may be continuing or even increasing their activities, but law enforcement have not been alerted by the public to the crimes'.⁶² Study participants suggested a number of limitations in terms of exercising the obligations and duties of certain stakeholders in the fight against HTRA, with twenty interviewees identifying such restrictions, for example in terms of redeployment, limited access to certain sectors and sites, and less proactive engagement opportunities.

In the context of COVID-19, some law enforcement officials were redeployed to assist with health enforcement measures associated with the pandemic and, as such, had been diverted from investigating certain criminal offences for a period of time, limiting investigation and identification capacity.⁶³ Hanley and Gauci observed that this 'diversion of priorities and resourcing indirectly limits capacity for anti-trafficking work'.⁶⁴ A Bulgarian NGO interviewee reiterated these findings, stating that 'currently because of the COVID [pandemic], [the] police is engaged with many new things' and this 'somehow steals from their time for other issues, including trafficking'.⁶⁵ Another NGO participant from Belgium stated that the

⁶¹ Interview 53.

⁶² UNODC, 2021, p. 26.

⁶³ Group of Experts on Action against Trafficking in Human Beings (GRETA), *In Time of Emergency the Rights and Safety of Trafficking Victims Must Be Respected and Protected*, Council of Europe, Strasbourg, 2020.

⁶⁴ Hanley and Gauci, p. 15.

⁶⁵ Interview 25.

'Police services are immensely restricted because of COVID restrictions' and pointed out the potential consequences: 'If they can't do their first-line work and first-line detection, basically they're not going to signal any potential victims'.⁶⁶

During COVID-19, the effectiveness and ability of labour inspectors to detect situations of potential HTLE were hindered too. A primary concern for one German trade unionist related to the reduction in the level of controls and inspections carried out in certain sectors which had 'been cut down as much as possible'.⁶⁷ The importance of these controls and the significant role that labour inspectors can play in this context has been recognised in both academic research and by international organisations.⁶⁸ They have a key role to perform in the active identification and investigation of severe forms of labour exploitation, including HTLE.⁶⁹

A Czech labour inspector said: 'As for our inspections, we, of course, do inspections but it's very complicated to do in a situation when our government made some restrictions for all industries'.⁷⁰ Alternative approaches to workplace inspections were adopted by some countries, with a labour inspector from Spain commenting: 'The Inspectorate tried to perform all the investigations that were possible to perform that way via internet or [telephone]. So it was quite a difficult moment, but whenever there was an urgent, very severe issue to investigate, there was an on-site investigation, but normally only for very specific issues'.⁷¹ However, the impact of using these new approaches during COVID-19 was noted by one labour inspector from Finland who stated that it 'made our work more difficult because ... the information we get that way is only partial'.⁷² Overall, the participants indicated that the alternative approaches to carrying out controls

⁶⁶ Interview 54.

⁶⁷ Interview 34.

⁶⁸ E Kenway, 'Overcoming "Modern Slavery" With a Rights-Based Labour Market for All', *IPPR Progressive Review*, vol. 25, issue 3, 2018, pp. 244–250, <https://doi.org/10.1111/newe.12111>; European Union Agency for Fundamental Rights (FRA), *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, Publications Office of the European Union, 2011, p. 40.

⁶⁹ International Labour Organization (ILO), *Human Trafficking and Forced Labour Exploitation: Guidelines for legislation and law enforcement*, ILO, Geneva, 2005, p. 49; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *An Agenda for Prevention: Trafficking for labour exploitation*, OSCE, Vienna, 2011, p. 12.

⁷⁰ Interview 38.

⁷¹ Interview 26.

⁷² Interview 64.

and inspections were insufficient. As voiced by an Icelandic interviewee, they were 'lacking the person-to-person interaction that usually gives you the most'.⁷³

While previous research has noted that labour exploitation and human trafficking offences remain difficult to recognise for members of the general public,⁷⁴ or they may be hesitant to report suspicions,⁷⁵ in terms of successfully identifying victims, the role of the general public was acknowledged by certain stakeholders as being particularly important in this process. However, due to the lockdowns, a Greek NGO interviewee shared that 'we lost them, the eyes and the ears of the society'.⁷⁶

Future policy development must include a specific approach to awareness raising, clearly outlining concrete actions regarding public health (or other) emergencies, to combat any additional challenges posed to the identification and detection of HTLE during such periods. It should also recognise the potentially significant role that the public can adopt in this context. One possible initiative relates to the establishment of helplines and hotlines which have been instrumental in increasing the public's ability to report instances of HTLE.

Overall, while participants in this study clearly articulated the considerable concerns and challenges posed by COVID-19, two trade union officials outlined that it was a 'wonderful opportunity [for] people to see the reality as they don't see it usually'⁷⁷ and that this pandemic 'highlights all the weaknesses within our system'.⁷⁸ It also indicated pressing areas in need of improvement. Six participants viewed the pandemic context as increasing the visibility of human trafficking as a serious offence and providing the impetus for improving labour conditions by highlighting the severely exploitative conditions endured by certain vulnerable groups.

⁷³ Interview 65.

⁷⁴ S Egan, 'Protecting the Victims of Trafficking: Problems and prospects', *European Human Rights Law Review*, vol. 1, 2008, pp. 106–119; European Union Agency for Fundamental Rights (FRA), *Severe Labour Exploitation: Workers moving within or into the European Union*, Publications Office of the European Union, 2015, p. 12.

⁷⁵ J Birks and A Gardner, 'Introducing the Slave Next Door', *Anti-Trafficking Review*, issue 13, 2019, pp. 66–81, <https://doi.org/10.14197/atr.201219135>.

⁷⁶ Interview 23.

⁷⁷ Interview 3.

⁷⁸ Interview 1.

Conclusion

This study provides one of the first insights into the experiences of key stakeholders in countering HTLE across Europe during the COVID-19 pandemic. It outlines the important role that they play and the need for states to recognise both state and non-state stakeholders as key players in anti-trafficking efforts. In this regard, it is necessary for these stakeholders to be sufficiently resourced in order to be effective in carrying out their legal obligations to assist victims. Continued research assessing the impact of COVID-19 on human trafficking prevention, protection, and prosecution efforts is vital to adequately explore the effect of imposed restrictions and the consequences experienced by victims both in the short- and long-term. Such research may build upon the emerging body of literature by academics and international organisations exploring human trafficking and labour exploitation within supply chains.⁷⁹

COVID-19 exacerbated the challenges faced by key stakeholders in seeking to both prevent situations of HTLE and support victims. This article demonstrates that the impacts associated with COVID-19 could, and should, act as a catalyst for substantive change in terms of policy and regulation by states. It identified some of the factors associated with increased vulnerability (unemployment rates), victimisation, and service provision (limited resources, prioritisation and disruption of face-to-face supports). Furthermore, the findings indicate that there is a pressing need to: address the root causes of HTLE; acknowledge and counteract the increased control employed by traffickers and the worsening situation victims are subjected to; and ensure that victims who have left their severely exploitative situation receive the support and assistance to which they are entitled. HTLE needs to be a priority for states and remain so during global crises. As one participant in this study expressed, '[States] just have no idea what's going on. We know that exploitation will change. Maybe move to other sectors, maybe become more hidden. We don't know yet'.⁸⁰ Finally, there is a need to reflect

⁷⁹ L. Shelley and C. Bain, 'Human Trafficking: Fighting the illicit economy with the legitimate economy', *Social Inclusion*, vol. 3, no. 1, 2015, pp. 140–144, <https://doi.org/10.17645/si.v3i1.215>; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Survey Report 2021 of Efforts to Implement OSCE Commitments and Recommended Actions to Combat Trafficking in Human Beings*, OSCE, Vienna, 2022, p. 17; Group of Experts on Action against Trafficking in Human Beings (GRETA), *7th General Report on GRETA's Activities covering the period from 1 January to 31 December 2017*, Council of Europe, Strasbourg, 2018, p. 58; C. Theron, 'Modern Slavery and Transparency in Supply Chains: The role of business', in G. Craig *et al.*, pp. 187–218, p. 197; G. LeBaron, 'Subcontracting Is Not Illegal, But Is It Unethical? Business ethics, forced labor, and economic success', *Brown Journal of World Affairs*, vol. 20, issue 2, 2014, pp. 237–238.

⁸⁰ Interview 6.

further on how states across Europe have reacted to these additional challenges and concerns through further in-depth empirical research.

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‘Now More Than Ever, Survivors Need Us’: Essential labouring and increased precarity during COVID-19

Corinne Schwarz, Hannah Britton, Eden D. E. Nay, and Christie Holland

Abstract

During the earliest waves of the COVID-19 pandemic, much media and public discourse focused on the effects of increasing precarity on already vulnerable populations. As in-person work added a layer of viral risk and unemployment drastically exacerbated economic precariousness, the category of ‘essential worker’ gained new prominence in these conversations. In this paper, we focus on the complicated relationship between two groups of workers depicted as marginalised and exploited to different degrees during COVID-19: trafficked persons and anti-trafficking service providers. Though media coverage did not conflate these groups, it applied a capacious understanding of precarious labour and structural inequalities that encapsulated different types of essential work. We draw on media produced by frontline anti-trafficking and sex workers’ rights organisations between March and May 2020. Even with renewed attention to macro-level harms, many publications still emphasised individualism over collectivity. This emphasis on singular organisational representatives—frontline workers—as heroic rescuers mirrored larger, normative anti-trafficking discourses. At the point at which the ‘new normal’ was nowhere in sight, COVID-19 served as a flashpoint to reconsider current intervention strategies and instead emphasise a critique of precarious labour along multiple vectors.

Keywords: essential labour, precarity, COVID-19, inequalities, critical trafficking studies

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Introduction

On 30 July 2020, the United Nations Office on Drugs and Crime (UNODC) launched their annual campaign for the World Day Against Trafficking in Persons. For their first COVID-19-era campaign, UNODC highlighted first responders in the anti-trafficking sector, those ‘committed to the cause’ through medical, therapeutic, legal, and carceral work. Their introductory materials foregrounded this frontline work as essential work: ‘During the COVID-19 crisis, the essential role of first responders has become even more important. Particularly as the restrictions imposed by the pandemic have made their work even more difficult’. Even during the early stages of a global pandemic, these service providers continued their work to support trafficked persons and ‘challeng[e] the impunity of the traffickers’.¹

The UNDOC might have been the most prominent voice in framing essential labour thusly, but they were not alone. A range of anti-trafficking organisations with national and international reach also emphasised the place of anti-trafficking work in essential work discourses. In this paper, we build upon this narrative, focusing on two groups of workers: labourers identified as ‘vulnerable’ to exploitation or human trafficking and service providers directly working with this population. Though these groups differed with respect to power and institutional authority, they represented sectors of ‘essential work’ during COVID-19. Low-wage, piecemeal, migrant, and undocumented workers faced increasingly fraught, dangerous conditions in factories, fields, and fisheries, for example, as forced labour could or would not halt. Anti-violence work never stopped during the pandemic, even as service providers imposed social distancing caps on shelter residents and shifted to remote work.

We analysed media produced by mainstream anti-trafficking and sex workers’ rights organisations, groups we define as having some degree of authority to shape or respond to anti-trafficking narratives, narrowing on the early stages of the pandemic from March to May 2020. This period—before vaccinations—highlights the initial visibility of precarity induced by border closures, stay-at-home orders, and the unavailability of personal protective equipment.

Our analysis of these organisations’ publications revealed how their media thoughtfully attended to the complex role of structural causes of violence. Organisations across ideological lines encouraged a more macro-level understanding of workers’ safety needs and a more complex framing of ‘essential’ labour. Simultaneously, organisations positioned themselves as critically necessary to address this structural violence. While these assertions were potentially accurate,

¹ United Nations Office on Drugs and Crime, ‘Committed to the Cause: Working on the frontline to end human trafficking’, UNODC, 2020, retrieved 6 November 2022, <https://www.unodc.org/endht/en/index20.html>.

their claims echoed heroism narratives that came to frame certain essential workers' sacrifices by masking structural precarity.

With no 'new normal' then in sight, this moment revealed the importance of understanding workplace structural inequalities along multiple vectors. Precarious labourers face inhumane working conditions, and the service providers tasked with providing assistance may not have enough resources or staff to remedy those conditions. Thus, we conclude by encouraging a broader reconsideration of current anti-trafficking apparatuses that attempt to ameliorate the consequences of structural violence. Instead, we imagine transformative futures that directly target these systems, preventing harm from occurring in the first place.

The Polarity of Anti-Trafficking Discourses

Before we explore pandemic-era discourses of vulnerability, exploitation, and trafficking, we first want to briefly frame the polarisation that already shapes these conversations. We can distinguish between two major schools of thought in the anti-trafficking space: what Jennifer Musto calls critical trafficking studies and what Sophie Lewis defines as sex worker-exclusionary anti-trafficking discourses. Research in critical trafficking studies argues for a more encompassing understanding of human trafficking beyond the crime framework, thinking broadly and holistically about trafficking into forced labour as a consequence of systemic oppressions and structural inequalities.² At the same time, sex worker-exclusionary anti-trafficking discourses often rely upon an exceptional, singular moment of trafficking for (almost exclusively) sexual exploitation that can be easily identified by a singular hero and incarcerated away.³

While these are not the only ways to frame human trafficking, they are the most potent, immediately visible in mainstream, public-facing discourses. The gulf between these two approaches is apparent in the organisational media we analysed. These discourses ranged from sex workers' rights collectives pushing

² K Kempadoo, 'The Modern-Day White (Wo)man's Burden: Trends in anti-trafficking and anti-slavery campaigns', *Journal of Human Trafficking*, vol. 1, issue 1, 2015, pp. 8–20, <https://doi.org/10.1080/23322705.2015.1006120>; J Musto, 'Domestic Minor Sex Trafficking and the Detention-to-Protection pipeline', *Dialectical Anthropology*, vol. 37, issue 2, 2013, pp. 257–276, <https://doi.org/10.1007/s10624-013-9295-0>.

³ E Koyama, *War on Terror & War on Trafficking: A sex worker activist confronts the anti-trafficking movement*, Confluere Publications, Portland, 2011; S Lewis, 'Defending Intimacy against What? Limits of antisurrogacy feminisms', *Signs: Journal of Women in Culture and Society*, vol. 43, issue 1, 2017, pp. 97–125, <https://doi.org/10.1086/692518>; C Schwarz and T Grizzell, 'Trafficking Spectacle: Affect and state power in Operation Cross Country X', *Frontiers: A Journal of Women Studies*, vol. 41, issue 2, 2020, pp. 57–81, <https://doi.org/10.1353/fro.2020.a765265>.

against dehumanising narratives that were still thriving during a global pandemic to anti-trafficking abolitionists (aligned with sex worker-exclusionary discourses) arguing for more carceral responses to trafficking. Anti-trafficking abolitionists assumed there would be an increase in exploitation during the pandemic, while more critical organisations foregrounded the exacerbation of violent labour conditions and anti-migrant policies. We do not attempt to strike a third way here—our orientations align with a systems-focused critical trafficking approach—but we are most animated by the ways in which labour itself emerges as a moral good or a social evil in these discursive spaces.

Sex worker-exclusionary anti-trafficking discourses rarely engage with trafficking outside of non-sexual forms of labour. This myopic focus on sexualised labour runs the risk of valorising other forms of precarious labour as better, solely on their perceived non-sexual nature. For example, many policy recommendations and NGO-guided interventions redirect victim-survivors back into formal economies that involve flexible, piecemeal, or low-wage work—sectors that can mirror labour trafficking. In addition to workplace harms, like abusive co-workers or wage theft, these labour sectors are not immune from sexualised elements, like harassment, abuse, or rape from employers or patrons on the basis of gender identity or sexuality. However, because the exploitation in precarious labour is not aligned with the social evil of commercialised sex, these jobs are positioned as somehow more dignified.⁴

Critical trafficking studies opens space to interrogate the broader ways in which work itself can be exploitative and constrained under larger oppressive systems. This is especially visible when juxtaposed with feminist anti-work theorists who centre sex, work, and sex work in their analyses. For example, the structural violence of racism, sexism, xenophobia, gender-based violence, economic precarity, and housing insecurity—and the ways these systems link up and accumulate—shape everyday conditions of living and labouring, regardless of whether that work is sexualised.⁵ As Juno Mac and Molly Smith succinctly note,

⁴ M B Alvarez and E J Alessi, 'Human Trafficking Is More Than Sex Trafficking and Prostitution: Implications for social work', *Affilia*, vol. 27, issue 2, 2012, pp. 142–152, <https://doi.org/10.1177/0886109912443763>; D Brennan, *Life Interrupted: Trafficking into forced labor in the United States*, Duke University Press, Durham, 2014; Lewis.

⁵ Alvarez and Alessi; R Bhuyan *et al.*, 'Responding to the Structural Violence of Migrant Domestic Work: Insights from participatory action research with migrant caregivers in Canada', *Journal of Family Violence*, vol. 33, issue 8, 2018, pp. 613–627, <https://doi.org/10.1007/s10896-018-9988-x>; Kempadoo; J Quirk, C Robinson, and C Thibos, 'Editorial: From Exceptional Cases to Everyday Abuses: Labour exploitation in the global economy', *Anti-Trafficking Review*, issue 15, 2020, pp. 1–19, <https://doi.org/10.14197/atr.201220151>; C Schwarz *et al.*, 'The Trafficking Continuum: Service providers' perspectives on vulnerability, exploitation, and trafficking', *Affilia*, vol. 34, issue 1, 2019, pp. 116–132, <https://doi.org/10.1177/0886109918803648>.

‘When sex workers assert that *sex work is work*, we are saying that we need rights. We are not saying that work is good or fun, or even harmless, nor that it has fundamental value’.⁶ Critical trafficking studies shares this orientation towards eradicating the structural oppressions that might make consent fuzzy—what is freely consented to when faced with the need to pay for rent, food, visa applications, or outstanding debts?—while simultaneously advocating for the immediacy of harm reductionist policies, like the decriminalisation of sex work, that are collectively understood to decrease precarity and violence.⁷

Labour Discourses During COVID-19

These critical conversations about the morality and precarity of labour were mirrored in media framings of pandemic-era workplace conditions. Essential work was laid bare, with traditional frontline workers, like medical providers and teachers, joined by those whose invisible, dirty, or devalued labour was necessary to maintain basic infrastructures: waste workers, grocery store cashiers, construction workers, or meatpacking plant workers. Labour conditions were already troubling in many of these sectors, from waste pickers regularly encountering hazardous materials to underage workers losing limbs in poultry plant equipment.⁸ But COVID-19 heightened ‘the quality of assuming high risk as an everyday reality of frontline work’. This heightened risk flattened certain differences between expertise, educational training, and wages, with degree-credentialed professionals providing essential public services alongside lower-wage, migrant, and informal economy labourers. Even though workers in these lower-wage, less prestigious fields were disproportionately harmed by viral exposure, the discursive depictions of pandemic-era labouring ‘feature[d] a symbiosis between frontline professionals and low-wage earners’ that provided the perception of a closer-to-equal level of risk.⁹

⁶ M Smith and J Mac, *Revolting Prostitutes: The fight for sex workers’ rights*, Verso, London, 2018, p. 55.

⁷ E Albright and K D’Adamo, ‘Decreasing Human Trafficking Through Sex Work Decriminalization’, *AMA Journal of Ethics*, vol. 19, issue 1, 2019, pp. 122–126, <https://doi.org/10.1001/journalofethics.2017.19.1.sect2-1701>; Amnesty International, *Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, 26 May 2016.

⁸ M Grabell, ‘Exploitation and Abuse at the Chicken Plant’, *The New Yorker*, 1 May 2017; F Parra, ‘The Struggle of Waste Pickers in Colombia: From being considered trash, to being recognised as workers’, *Anti-Trafficking Review*, issue 15, 2020, pp. 122–136, <https://doi.org/10.14197/atr.201220157>.

⁹ M Musheno, B Vencill Musheno, and M Austin, ‘Exploring the Prevalence and Meaning of Frontline Work in the COVID-19 Era: Implications for policy analysis’, *Journal of Comparative Policy Analysis: Research and Practice*, vol. 23, issue 1, 2021, pp. 30–40, p. 36, <https://doi.org/10.1080/13876988.2020.1846123>.

Research Methods

This project emerged from our overarching interest in labour discourses and COVID-19. As critical trafficking studies scholars, the first and second authors were particularly intrigued by the discursive tools used by anti-trafficking organisations in their pandemic-responsive messaging. The third author joined with an interest in critical social theories, power, and marginalisation. The fourth author was interested in media narratives increasingly positioning sex work as a response to COVID-19-induced financial precarity—without considering the long history of sex, work, and sex work. We connected our interests within the following thematic questions: How is the pandemic affecting the dominant narrative of human trafficking? How are stakeholders discussing the shifting terrain of precarious labour, sex work, and human trafficking under COVID-19? How do organisations with a range of ideological orientations to exploitation understand COVID-19 in the context of their larger mission statement? To answer these questions, we conducted a content analysis of media self-published by mainstream anti-trafficking organisations and sex workers' rights organisations. Given local and international lockdown orders, we expected organisations to comment publicly on how COVID-19 was shaping their work and client-facing interventions.

These groups, though serving different constituencies, shape the discursive terrain of 'human trafficking'. Anti-trafficking organisations frequently lobby and promote policy recommendations at various governmental levels; run public awareness campaigns; and generate (sometimes questionable) data to quantify the problem of human trafficking.¹⁰ Sex workers' rights organisations can attest to the harms of local labour laws and social stigmas, as well as carceral humanitarian anti-trafficking interventions that mislabel them and funnel them into criminal legal systems.¹¹ Their power to shape the discursive terrain around 'human trafficking' is constrained by the tokenising or limited instances when they are

¹⁰ J A Chuang, 'Exploitation Creep and the Unmaking of Human Trafficking Law', *American Journal of International Law*, vol. 108, issue 4, 2014, pp. 609–649, <https://doi.org/10.5305/amerjintlaw.108.4.0609>; C Cojocaru, 'My Experience is Mine to Tell: Challenging the abolitionist victimhood framework', *Anti-Trafficking Review*, issue 7, 2016, pp. 12–38, <https://doi.org/10.14197/atr.20121772>.

¹¹ D Blunt and A Wolf, *Erased: The impact of FOSTA-SESTA & the removal of Backpage, Hacking//Hustling*, New York, 2020, <https://hackinghustling.org/erased-the-impact-of-fosta-sesta-2020/>; C A Jackson, 'Framing Sex Worker Rights: How U.S. sex worker rights activists perceive and respond to mainstream anti-sex trafficking advocacy', *Sociological Perspectives*, vol. 59, issue 1, 2016, pp. 27–45, <https://doi.org/10.1177/0731121416628553>; C M Sacco, 'Victim-Defendant: Women of color complicating stories about human trafficking', in N West and T Horn (eds.), *We Too: Essays on sex work and survival*, Feminist Press, New York, 2021, pp. 60–71.

invited to the policymaking table.¹²

First, we looked for media published between 1 January and 31 May 2020 to control for the emerging narrative of COVID-19. By the end of May 2020, some states and countries were planning reopening strategies, and others had a firmer control over viral transmission. We wanted to capture the strategies and conversations that informed initial policies, lockdown practices, and quarantine orders. Since the terminology of the pandemic began in March 2020, after the WHO declaration, our sample more accurately reflects publications from 13 March to 31 May 2020.

We developed a purposive sample of organisations that broadly fell under the umbrellas of anti-trafficking and/or sex workers' rights groups. We began with a Google search for terms ('anti-trafficking'/'sex worker'+ 'organisation') informed by previous scholarship on advocacy and service provision.¹³ We then compared our findings against public listings found on the websites for End Slavery Now and the Global Network of Sex Work Projects, globally recognised organisations that host large virtual databases with contact information for directory members. This allowed us to develop a purposive sample of diverse organisations that are broadly working under the rubric of 'trafficking' or 'sex work'—but are also 'mainstream' enough to be recognisable actors.

By the end of this process, we identified forty-nine organisations across the anti-trafficking and sex workers' rights sectors. Because of our team's language expertise, we could only analyse media published in English. Thus, we removed one Spanish-language organisation from our sample, leaving us with forty-eight organisations.

Out of these forty-eight organisations, twenty-one primarily focused on sex work and twenty-seven primarily focused on human trafficking. Within the trafficking

¹² J Doezeema, 'Now You See Her, Now You Don't: Sex workers at the UN Trafficking Protocol Negotiation', *Social & Legal Studies*, vol. 14, issue 1, 2005, pp. 61–89, <https://doi.org/10.1177/0964663905049526>; K Hahn and A Holzscheiter, 'The Ambivalence of Advocacy: Representation and contestation in global NGO advocacy for child workers and sex workers', *Global Society*, vol. 27, issue 4, 2013, pp. 497–520, <https://doi.org/10.1080/13600826.2013.823914>; Sex Workers' Rights Advocacy Network (SWAN), *Nothing About Us Without Us!: A brief guide on meaningful involvement of sex workers and their organisations in Central-Eastern Europe and Central Asia (CEECA)*, 2019, https://www.swannet.org/files/swannet/NothingAboutUsWithoutUs_ENG_web.pdf.

¹³ A Ahmed and M Seshu, "'We Have the Right Not to Be 'Rescued'...': When anti-trafficking programmes undermine the health and well-being of sex workers', *Anti-Trafficking Review*, issue 1, 2012, pp. 149–165, <https://doi.org/10.14197/atr.201219>; Jackson; Kempadoo; Musto.

category, seventeen organisations worked on issues related to both trafficking for sexual and labour exploitation, while nine exclusively focused on trafficking for sexual exploitation and one exclusively focused on labour trafficking. Though this may appear to overrepresent trafficking for sexual exploitation at the expense of labour trafficking, the anti-trafficking sector is known for its emphasis on ‘sex trafficking’—especially when sex worker-exclusionary anti-trafficking discourses almost exclusively represent and discuss sexual exploitation.¹⁴

Twenty-four organisations were international, meaning they operated in multiple countries. Seventeen were national, based exclusively in the US. The remaining seven were national organisations located outside the US, including India, Thailand, New Zealand, Canada, and the UK. Given the outsized role of US and international organisations in the anti-trafficking sector—and the importance of transnational organising within sex workers’ rights movements—our sample reflects this political and geographic context.¹⁵

Twelve organisations—nine sex workers’ rights and three anti-trafficking organisations—did not have any COVID-19 publications within our time frame. This does not mean that these organisations were not sharing information about the pandemic. Rather, they may have used different communication strategies to share their COVID-19 messaging.

In total, we accumulated 139 pieces of media from thirty-six organisations. We uploaded PDF versions of these into Dedoose, a qualitative coding platform that allowed us to work remotely and simultaneously. We used an inductive coding strategy to facilitate the deductive creation of an initial codebook. We added terms and recoded our data as needed after team meetings, where we confirmed inter-coder reliability and collaboratively determined if new codes were unique or fit more effectively in a predetermined category.

When developing our codes, we took organisational media on their own terms, including the conflicting, sometimes overlapping, terminology for ‘human trafficking’ and ‘sex work’. When we mobilise terms like ‘migrant labour’ or ‘precarious work’ in our findings, we are not seeking to conflate all forms of labour with trafficking or erase the nuances between categories. Rather, we see

¹⁴ Alvarez and Alessi; Brennan; Lewis.

¹⁵ E C M Kinney, ‘Appropriations for the Abolitionists: Undermining effects of the U.S. mandatory anti-prostitution pledge in the fight against human trafficking and HIV/AIDS’, *Berkeley Journal of Gender, Law & Justice*, vol. 21, 2006, pp. 158–194, <https://doi.org/10.15779/Z38S17SS0N>; K Lerum *et al.*, ‘Using Human Rights to Hold the US Accountable for its Anti-Sex Trafficking Agenda: The Universal Periodic Review and new directions for US policy’, *Anti-Trafficking Review*, issue 1, 2012, pp. 80–103, <https://doi.org/10.14197/atr.201215>; SWAN.

this simultaneous use of certain words and phrases reflecting an understanding of work as a continuum, where ‘good’, moral work is only thinly separated from ‘bad’, exploitative labour.¹⁶

Though we quote from public-facing media in our findings, we do not refer to organisations by name. This is an intentional choice in line with Ran Hu’s similar analytic and ethical orientation towards content produced by New York-based anti-trafficking groups. Since websites ‘by nature, are dynamic and ever-changing’, naming these organisations could fix these complex narratives ‘in [...] static text representation, running the risk of stigmatisation’. Like Hu, we do not want to punch down at these frontline organisations—even when our own perspectives on sex, work, and sex work might misalign with theirs—but rather punch up at the systems and structures that perpetuate vulnerability, social exclusion, and human trafficking.¹⁷

In the following sections, we explore our findings through an examination of two main themes. First, we explore how the pandemic broadened how organisations discussed labour exploitation, acknowledged precarious work, and defined essential labour. Next, we examine how organisations variously framed their labour as part of individual, atomised interventions or collective moments towards a shared good.

Labour: Exploited, economically precarious, or essential?

In our analyses, we found that descriptions of the work itself—commercial sex, trafficked labour, and service provision—felt almost slippery at times. COVID-19 exposed various forms of ‘unfree labour’ that have long existed but remain obscured.¹⁸ Work could be exploitative to the extremes, even meeting the legal conditions of trafficking in a state, but still defined as essential to supply chains; work could feel coercive without adequate protective equipment but still be

¹⁶ K Cruz, ‘Beyond Liberalism: Marxist feminism, migrant sex work, and labour unfreedom’, *Feminist Legal Studies*, vol. 26, issue 1, 2018, pp. 65–92, <https://doi.org/10.1007/s10691-018-9370-7>; Schwarz *et al.*; S Yea *et al.*, ‘Funnel of Unfreedom: Time-spaces of recruitment and (im)mobility in the trajectories of trafficked migrant fishers’, *Annals of the American Association of Geographers*, vol. 113, issue 1, 2023, pp. 291–306, <https://doi.org/10.1080/24694452.2022.2084016>.

¹⁷ R Hu, ‘Examining Social Service Providers’ Representation of ‘Trafficking Victims: A feminist postcolonial lens’, *Affilia*, vol. 34, issue 4, 2019, pp. 421–438, p. 425, <https://doi.org/10.1177/0886109919868832>.

¹⁸ G LeBaron and N Phillips, ‘States and the Political Economy of Unfree Labour’, *New Political Economy*, vol. 24, issue 1, 2019, pp. 1–21, p. 2, <https://doi.org/10.1080/13563467.2017.1420642>.

considered legal and even laudable. As organisations shifted between morality and legality as well as affective and legislative responses, the harm of labouring through COVID-19 remained persistent and pervasive.

COVID-19 as Spotlight on Labour Exploitation

One discursive strand alluded to labour conditions that pre-dated the pandemic. These narratives emphasised structural inequalities or systemic harms, demonstrating how COVID-19 highlighted and even exacerbated pre-existing inequalities. For example, an international human rights-based non-profit framed labour trafficking and trafficking for sexual exploitation as a hidden crisis that morphed into a collective issue: ‘So while modern slavery is a problem often unseen, the Coronavirus makes modern slavery a direct problem for all of us’. By this logic, human trafficking was generally a problem of hidden populations and the service providers who worked with these individuals pre-COVID-19. COVID-19 illuminated the once-hidden reality of modern slavery, and that truth—deeper economic vulnerabilities and increased precarity—cannot be unseen in a post-pandemic world or contained within the realm of anti-trafficking. There seemed to be an implicit call for collective action here; if trafficking was now visible to all, it was a problem we all should now hold some responsibility in eradicating.

Similarly, an international organisation focused on migrant sex workers’ health and rights linked the collective crisis of COVID-19 to the crisis routinely felt by sex workers: ‘Coronavirus has thrown millions of people into crisis. For sex workers, forced by criminalisation, stigma and discrimination to live in the shadows, the crisis is more hidden and also makes their condition more dramatic.’ This post directed sex workers to act against a policy intervention in Italy, which excluded sex workers from state-provided economic supports. Yet, this particular phrasing suggested an intentional choice to make the invisibility of commercial sex—and the threats of state surveillance and violence that shape this labour—visible.

The framing of crisis as a routine part of current labour structures emerged as a consistently salient discursive device. In a post to honour International Workers’ Day, an international collective of anti-trafficking NGOs framed human trafficking as a problem of labour inequalities that predated COVID-19 *and* became more starkly visible in its aftermath: ‘The injustice and discrimination in the world of work were not created by the virus. They were already there. They were the results of certain policy decisions that we have allowed our states to take. COVID-19 only made those imbalances in our world visible’. This international group named the unseen problem as exploitative labour practices under global capitalism. This post focused primarily on three sectors of precarious, underpaid, or unpaid work: ‘care workers, migrants in low-paid jobs, and workers in the informal economy’. Pre-COVID-19, this labour was already devalued, and lockdown orders only illuminated the dire conditions under which these workers laboured.

A UK-based research and policy organisation focused exclusively on labour trafficking published a lengthy, explanatory post on the need for increased scrutiny on migrant labourers' increasingly unsafe, hostile working conditions. Due to the risks embedded in specific, Brexit-era visa programmes, agricultural labour was already exploitative, and COVID-19 exacerbated those conditions:

People are forced to choose between returning home at significant risk to their health, continuing to work without the legally required documentation and therefore at heightened risk of labour abuses, or becoming destitute. [...] As low-paid workers from other sectors lose their jobs or have their hours cut, urgency for new income may make them unable to say 'no' to abusive terms.

As with the anti-trafficking collective's post, this group focused on a structural critique of immigration policy and devalued agricultural labour.¹⁹ Because frontline labour inspectors were not labelled as essential workers under COVID-19, cases of labour exploitation could remain invisible for longer, even under these extreme conditions.

Un/safe Workplaces during COVID-19

The phrase 'workplace safety' emerged alongside many organisations' detailed descriptions of remote work. Several stressed how they were moving to online work to prioritise the safety of their staff and workers. One anti-trafficking organisation focused on technology and stated, 'Through the support of our partners, we've been able to prioritize the safety of our staff by ensuring that our teams are well-equipped to telework and to continue working as hard as ever to find missing children, reduce child sexual exploitation, and prevent future victimization'. This was a common assertion from many organisations that had the ability to move to remote work, especially those whose labour easily translated to virtual contexts.

However, this did not address the hands-on nature of direct services that many organisations provide. A US-based anti-trafficking non-profit described how, even though 'the majority of [their] services are being provided remotely' to follow local guidelines, their 'doors remain open', including their shelter. Similarly, a US-based anti-violence organisation listed which of their programmes were fully closed, virtual, or in-person for specific cases. For example, their anti-trafficking division was 'still processing [i]ntakes and doing very limited in-person work related to financial assistance'. Even if some frontline workers were able to pivot, like lawyers and case managers who could connect with clients over the phone or video platforms, others could not avoid the direct contact of emergency, outreach, or shelter services.

¹⁹ See also LeBaron and Phillips, pp. 7–10.

A global faith-based NGO described their in-person involvement on a ‘rescue’ project during this risky time of viral transmission. The ‘raid and rescue’ model is roundly and powerfully critiqued.²⁰ But this organisation foregrounded overcrowding, border closings, and limited access to healthcare as a rationale for their practices. They described an ‘urgent rescue’ with local law enforcement and NGO-affiliated staff extracting migrant labourers from a brick kiln. In media covering the ‘rescue’ and a post describing educational efforts to share information about COVID-19 mitigation in rural communities, this NGO did not talk about the risk these in-person interventionists faced or the protective efforts they were taking to maintain staff health and safety.

Sex workers’ rights groups spoke in very direct terms about the risks connected to in-person labour. The snapshot of the pandemic in our study lined up with a global shortage of personal protective equipment. As one migrant sex workers’ rights organisation stated, ‘Marginalization and vulnerability have increased risk of exposure to COVID-19 because some are not able to stay home, physically distance, or stop working altogether’. Sex workers had to assume a high degree of risk to maintain their income, especially when they were excluded from many governmental fiscal interventions, discussed further in our second theme. Though they were not categorised as ‘essential’, many sex workers simply could not stop working due to this exclusion—implying their health, safety, and lives were not essential to support.

Solidarity Across Sectors

Though organisations took care to separate the challenges of essential anti-trafficking workers from the violence of trafficking, some media explicitly identified the multiple vectors that shape workplace conditions. One anti-trafficking NGO described the ‘fragility of our systems’ that touch everyone, specifically naming the legal and healthcare responses to COVID-19 that are felt most acutely by migrant workers: ‘This pandemic highlights the importance of protecting the most vulnerable, irrespective of what papers they happen to have. If we’re unable to protect those who need it the most in this crisis, we are unable to protect all of us. It’s time to truly stand together’. If the most vulnerable were forced to continue labouring while ill, incarcerated in public facilities while awaiting deportation, or denied medical treatment until the last possible moment, they could have potentially spread COVID-19—all in completely avoidable contexts.

This NGO did not use the exploited migrant labourer or trafficked person as a monstrous figure, demonised as a carrier of disease. Rather, caring for them

²⁰ Ahmed and Seshu; A Hill, ‘How to Stage a Raid: Police, media and the master narrative of trafficking’, *Anti-Trafficking Review*, issue 7, 2016, pp. 39–55, <https://doi.org/10.14197/atr.20121773>; Schwarz and Grizzell.

was part of caring for the collective, more aligned with a politics of solidarity in health.²¹ Making sure that migrant workers—be they exploited under the standard conditions of late capitalism or legally fitting a nation’s definition of trafficking—can shelter in-place safely with adequate resources was the bare minimum for maintaining a greater social health.

A global faith-based NGO took a different angle when demonstrating how COVID-19 exacerbated exploitation and trafficking. In a post on migrant labour in the Asia-Pacific region, they described travel restrictions, unsafe living conditions, and limited access to food and water that, unabated, could increase labour trafficking. Though these examples seemed to emphasise issues of financial precarity and exploitative conditions experienced by labour migrants—stranded garment workers or fishermen—this faith-based group pivoted, asserting that the issue was one of ineffective criminal legal systems. They wrote, ‘Modern slavery largely occurs and thrives in countries where law enforcement and justice institutions are underfunded and overburdened.’ Even in a blog post that showed the need for more robust social supports outside policing efforts, they emphasised the importance of ‘the consistent identification of victims, enforcement of anti-trafficking laws and engagement of victim support services at the community and local levels’. This claim seemed at odds with the idea of preventing exploitation through assistance or support services, rather than policing labourers, to ostensibly prevent trafficking from occurring within marginalised groups of migrant workers. Yet, this was where the post focused its strongest assertions.

Organisational Missions and Necessary Interventions

Our analysis identified a tension between the individual and the collective, reflecting both the pandemic-era discourse of heroic, singular actors in the face of the virus and the stereotypical anti-trafficking story of lone saviours against vast trafficking networks. But even though these frameworks are powerful shaping forces, they could not erase moments where connection and solidarity came to the fore. In these spaces, where COVID-19 severed in-person ties and fostered disconnection, collectivity emerged as essential to surviving viral contagion and unsafe workplaces.

Individualism and Heroism

Another strategy that organisations used to position the importance of their mission, salience, and purpose against the threat of COVID-19 was to show how

²¹ B Adler-Bolton, “‘Deaths Pulled From the Future’: A brief argument for still giving a fuck about the pandemic”, *Blind Archive Substack*, 3 January 2022, <https://blindarchive.substack.com/p/deaths-pulled-from-the-future>.

the pandemic intensified the necessity of their work. As a US-based anti-trafficking non-profit stated across multiple publications, 'Now more than ever, survivors need us'. They used this framework to emphasise the need for accessible, secure housing, which they stressed in a fundraising appeal labelled #NotSaferAtHome:

There has never been a time when survivors need us more. Victims of human trafficking are facing new barriers to safety, health services, housing, and employment. They are trapped with their traffickers and vulnerable to even greater abuse. We cannot turn our back on survivors at a time when they need us most. They need safe shelter now.

As this appeal stated, these barriers to safety were not new situations but only made visible by COVID-19. For example, the safety of home has always been problematic for trafficked persons, and this non-profit responded to this through their ongoing shelter services. Rather, they were asserting that the intensity of these barriers had deepened, and these concerns were worsened and made particularly fraught by city-level shelter-in-place orders.

The necessity of organisations, especially those within the anti-trafficking space, lent itself to particularly intense narratives. For example, this same non-profit described its ongoing hotline services through the story of one recently assisted victim-survivor who found support in accessible emergency housing:

Just a short time ago, we received a call on our 24-hour hotline from a survivor who was homeless and escaping from a trafficker. Running for her life, she could not afford to worry about the coronavirus. Our expert team responded immediately and got her safely to our emergency shelter where she is recovering in the comfort of her new home. She now has access to the health care services that she was denied living on the streets.

The image of a victim-survivor on the run, escaping from exploitation, echoes dominant images of human trafficking in larger media landscapes. And similarly, the 'expert team' at this non-profit drew on the anti-trafficking apparatus's emphasis on singular 'saviours'. Even when anti-trafficking work successfully operates in coalition, the collaborative labour to identify and assist victim-survivors can get reduced to the lone 'rescuer' or vigilante.²²

Even when anti-trafficking organisations used this strategy—employing affectively charged stories to demonstrate the necessity of an organisation's fiscal solvency—

²² Kempadoo; E O'Brien, *Challenging the Human Trafficking Narrative: Victims, villains, and heroes*, Routledge, London, 2018.

it was not without risk. A global anti-trafficking collective published a powerful rejoinder to the anti-trafficking movement, especially those groups ‘linking the widespread disruption of lives and livelihoods to trafficking and “modern slavery” without regard for the systems that already fuel exploitation. Though this narrative could maintain an individual group’s longevity, it could also reinforce the ‘comfortable silo’ that separates some movement actors from larger projects ‘demand[ing] for a system change’.

The individualistic impulses of these narratives resonated in the discursive context of the pandemic, specifically the framing of frontline healthcare workers as ‘heroes’ labouring during COVID-19. Just as anti-trafficking interventions often devolve into ‘repeated stories of bad men, big guns, and bolted chains’ that can only be halted by one almost superhuman saviour, frontline healthcare workers were reduced to similarly flat symbols.²³ This framing emphasised the selflessness and sacrifice of frontline work over the material conditions of their labour. These ‘heroes’ had limited personal protective equipment that needed to be reused; fewer colleagues with whom to balance work, leading to longer hours ‘on the clock’; and increased care work responsibilities at home that failed to register as relevant. Instead of resolving these conditions, the ‘hero’ label offered an affective solution to a structural problem.²⁴

One US-based anti-trafficking organisation with limited global reach demonstrated the power of these two joined narratives in a post about workplace modifications to maintain social distancing:

While the [hotline] team has been working with service provider partners to ensure that our systems are kept up to date and reflect changes as they happen, they have to do even more thinking on their feet than usual. More service providers are suddenly full or unable to accept new clients and [...] advocates have had to do a lot of thoughtful safety planning and brainstorming with people who are reaching out and need support. As one member of the

²³ E Bernstein, ‘The Sexual Politics of the “New Abolitionism”’, *differences: A Journal of Feminist Cultural Studies*, vol. 18, issue 3, 2007, pp. 128–151, p. 140, <https://doi.org/10.1215/10407391-2007-013>.

²⁴ C L Cox, ‘“Healthcare Heroes”: Problems with media focus on heroism from healthcare workers during the COVID-19 pandemic’, *Journal of Medical Ethics*, vol. 46, 2022, pp. 510–513, <https://doi.org/10.1136/medethics-2020-106398>; R Einboden, ‘SuperNurse? Troubling the hero discourse in COVID times’, *Health: An Interdisciplinary Journal for the Social Study of Health, Illness and Medicine*, vol. 24, issue 4, 2020, pp. 343–347, <https://doi.org/10.1177/1363459320934280>; B Leap, K Kelly, and M C Stalp, ‘Me? A Hero? Gendered work and attributions of heroism among volunteers during the COVID-19 pandemic’, *Sociology*, 2022, pp. 1–18, <https://doi.org/10.1177/00380385221136035>.

team put it, ‘in these extraordinary circumstances, we’re having to be extraordinarily creative to meet the most basic needs of people who call us.’

The ‘extraordinarily creative’ navigation of resource limitations came from the larger challenge of doing anti-trafficking work within defunded social service sectors. The service providers mentioned here may have been doing more with less like the healthcare ‘heroes’ of the pandemic. Individual advocates served as a bridge between victim-survivors’ resource needs and the reality of labour conditions in the anti-trafficking apparatus. And on a meta-level, this post raised the question as to whether this anti-trafficking organisation was offering their own ‘extraordinarily creative’ advocates the resources they needed to adequately perform this labour.

Labour Rights Through Collective Action

Interestingly and unsurprisingly, the quotes above that lean heavily on individualism came from US-based organisations. In contrast, a global anti-trafficking NGO collective carved out a unique platform more aligned with workers’ rights perspectives than the ‘hero’ and ‘rescue’ narratives. Rather than asserting, ‘now more than ever, survivors need us’, this collective insisted, ‘Now, more than ever before, worker organising is crucial’. They went on to describe how such labour organising could look different during the pandemic:

... such organising will need to happen without congregating in large numbers. Occupational Safety and Health (OSH) safeguards must not undermine freedom of association and collective bargaining. We call on states to make OSH standards fundamental labour rights applicable to all workers, regardless of their nationality, sector of work or immigration status. We call on states to create more public sector jobs rather than contracting and outsourcing services. In the name of ease of doing business, outsourcing enables employers to evade responsibilities while contractors continue setting abusive working and living conditions away from state regulation and scrutiny.

This was a markedly different position, where labourers are seen as agents of their own action and protection. Across sector, status, and state borders, all workers—exploited, economically precarious, and essential—were positioned as part of a collective force against harmful practices that only ‘ease’ managers’ and owners’ capital accumulation. It would not be the singular actions of one heroic resister but the communal impact from organising efforts.

While many organisations used the pandemic to justify their continued existence and generate increased funds, others echoed this appeal for collective action. These

published media were less about maintaining the solvency of the organisation itself and more about directly providing for community members outside of formalised non-profit mechanisms, including mutual aid efforts, bail funds, or donation drives. For example, a migrant sex workers' health and rights group shared an emergency fund, 'No-one left behind!', created by Italian sex workers for fellow sex workers with limited access to COVID-19-related subsidies. A US-based sex workers' rights group published an expansive guide on resources for sex workers with nearly four full pages of links to mutual aid funds in US states, national campaigns, and international projects.

Dean Spade argues that mutual aid works outside the state, often addressing those community members whose identity somehow forecloses them from resources or support. In the COVID-19 context, this often applied to undocumented persons unable to apply for government-disseminated funding due to a lack of formal documentation or individuals engaged in criminalised or informal economies—like sex workers—who lacked any proof of income reduction. While mutual aid is a necessary measure against loopholes that exclude the most marginalised communities, and while many groups use mutual aid to circumvent the surveillance and bureaucracy that can accompany formal resource distribution,²⁵ it is not without concerns.

As a global collective of NGOs and sex workers' rights groups, for example, asserted in their appeal for donor support during COVID-19, 'Without any support from governments, sex workers are left to both find ways to survive and help other community members to survive by organising fundraisers or simply sharing whatever resource they have personally'. Their mutual aid and community support reflected the selective abdication of responsibility by the state, as citizens labouring in other sectors could access financial relief. Again, this is not to downplay the importance of mutual aid, especially in resisting projects that set parameters around deserving and undeserving recipients of assistance, but to emphasise how these efforts may be unable to match community needs.

Ellie Vainker thoughtfully writes against Spade's mutual aid framework, as it 'does not take into account how survival work for so many necessitates imbrications with the state'. Her words resonate with this collective's post, which does not valorise the state but directly acknowledges that, without access to 'very limited government protection measures in the region', sex workers were left with 'only the meagre support organisations are able to provide'.²⁶ Without state support, sex workers were rendered more precarious through this era of COVID-19

²⁵ D Spade, *Mutual Aid: Building solidarity during this crisis (and the next)*, Verso, New York, 2020.

²⁶ E Vainker, *Funding Disability: Ambivalences in nonprofit fundraising in the United States*, Rice University, Houston, 2021, p. 230.

conditions; imbrications with the state will continue to be necessary in the face of limited or overburdened organisational resources.

Conclusion: Is the pandemic a portal?

In April 2020, author Arundhati Roy posed a powerful directive to think about COVID-19 not solely in terms of its destruction but also its potential: ‘Historically, pandemics have forced humans to break with the past and imagine their world anew. This one is no different. It is a portal, a gateway between one world and the next’.²⁷ If COVID-19 and its continuing reverberations show the ways that normalcy is tenuous—making the invisible structures of violence painfully visible—then there is a way to think about life post-COVID-19 as a life that does not replicate the same unequal distributions of power, justice, and liveability.

With respect to both anti-trafficking and sex workers’ rights movements, the pandemic could thus be a moment to think about the transformative potential of these projects beyond the state (or imagining a different version of the state). States are often constructed to be the ‘vehicles for responses to forced labour, rather than as actors who play a causal role in shaping the conditions that give rise to it’.²⁸ Within the anti-trafficking apparatus, the state is required to identify trafficked persons as deserving or undeserving of assistance under certain criminal legal regimes. For sex workers’ rights advocacy, the state offers limited legibility, with decriminalisation projects globally underrepresented compared to legalisation and criminalisation. What if, instead of turning to institutionalised processes of inclusion and exclusion, we instead reimagine work—what the state might encourage us to define as ‘free’ or ‘unfree’, ‘constrained’ or ‘agential’—along different, sometimes colliding vectors.

Labour precarity exists to different scales and scopes for both the workers targeted by certain anti-trafficking or anti-sex work interventions as well as the frontline saviours fuelling these interventions. Coalitional possibilities exist that would not collapse all labour under a singular rubric that erases the fine nuances between vulnerability, exploitation, and trafficking. Nor would these possibilities continue to place structural responsibilities onto singular actors to rectify state-sanctioned violence and state-induced economic precarity.

²⁷ A Roy, ‘Arundhati Roy: “The pandemic is a portal”’, *Financial Times*, 3 April 2020, <https://www.ft.com/content/10d8f5e8-74eb-11ea-95fe-fcd274e920ca>.

²⁸ LeBaron and Phillips, p. 2.

We conclude here not with naïve optimism but with urgency. COVID-19 could be a portal to a world with a different orientation to justice, a commitment to eradicating structural inequalities that could bring together divergent stakeholders. We want to resist the normative pull of an approach that returns to ignoring the forms of structural violence illuminated by COVID-19. Taking a cue from an NGO collective's blog post, which quotes a slogan from Chilean political protestors, 'We won't go back to normal, because normal was the problem'.

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Short Articles

Providing Services to Women in Situations of Prostitution and Human Trafficking during the COVID-19 Pandemic in Spain, Italy, and Portugal

Olaya García-Vázquez and Carmen Meneses-Falcón

Abstract

This short article discusses the challenges faced by women engaging in prostitution/sex work or in situations of trafficking for sexual exploitation during the COVID-19 pandemic. These included housing and food insecurity, violence, failure by the police to identify them as trafficked persons, lack of social assistance, and the inability to renew residence and work permits. The article also presents the support provided to women by the NGO Hermanas Oblatas in Spain, Portugal, and Italy.

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The COVID-19 pandemic disrupted multiple aspects of economic and social life and had particularly damaging effects on marginalised groups, including women engaged in prostitution/sex work and survivors of human trafficking. To better understand this impact from the perspective of a service provider, we spoke with social workers from the NGO Hermanas Oblatas¹ in Spain, Portugal, and Italy. The organisation provides social services to cis and trans women engaged in prostitution/sex work and to survivors of human trafficking for sexual exploitation.²

¹ See 'Nuestra misión', Hermanas Oblatas del Santísimo Redentor, retrieved 29 June 2023, <https://hermanasoblatas.org/nuestra-mision> (hereinafter Oblatas).

² For more information in Spanish about our research, see: C Meneses-Falcón, A Rúa Vicites, and O García-Vázquez, *Intervención Social con Mujeres en Prostitución y Víctimas de Trata: Aportaciones y experiencias durante el COVID-19*, Universidad de Granada, Granada, 2022.

According to the social workers, a major challenge for the women they supported was their legal status. **Regularisation** procedures in the three countries were delayed or stopped and many asylum applications were rejected. As a result, many women experienced fear and anguish. The fear of being expelled from Spain led to the search for alternatives, such as marriages of convenience. In Portugal, the women could regularise their status online, but some did not have internet access and the government did not offer any other option. Fortunately, there were no deportations during lockdowns. However, protection services stopped or saw their capacity reduced, forcing some women to continue living with their traffickers or bosses.

Another major concern was the **worsened economic situation** due to women losing their income either from prostitution/sex work or other jobs in the informal economy. In addition, many could not open a bank account, which was a requirement for receiving financial aid or support for energy payments from the government. Thus, most women could only obtain assistance from friends and NGOs. Oblatas provided many women with either financial support or assistance with requesting government aid.

In relation to **employment**, even though many of the women did not wish to continue engaging in prostitution/sex work during the lockdowns, it continued to be the main economic opportunity available to them. While brothels were closed during lockdowns, most women worked in prostitution flats or on the streets. Some moved to Northern European countries, such as the Netherlands, because they had more opportunities to work there than in the south of Europe. Oblatas also supported women who were no longer working face-to-face with clients but offering online services. While generally safer, these services were sometimes problematic too because some clients made recordings and used them to blackmail the women afterwards.

The women also experienced difficulties with **housing**. Some were no longer able to pay rent, others were forced to choose between paying rent and buying food, and still others became homeless at the beginning of the pandemic. They were also unable to pay the cost of the places they were renting in prostitution flats or clubs, generating debts with the owners and madams/managers. During closures in Spain, some were evicted from their homes. Others moved in with friends and workmates in order to share expenses and avoid homelessness, but there were situations of overcrowding and different cohabitation problems.

In relation to their **social networks**, many women's intimate relationships were abusive and did not last long. At their workplace, some women spoke about increased competition for the few remaining clients but there were also stories of women supporting each other. A small number of women described their clients as abusers, but the majority saw them as a source of income. In some cases, during lockdowns, clients helped the women to pay for rent and food. Some women also said they found comfort in their faith community and beliefs.

Others continued making use of NGO services, such as the Italian language classes that Oblatas in Italy had moved online.

Many women experienced feelings of anxiety and guilt because they could not financially support their **families** and children in their country of origin. For those who had not seen their families for years, the loneliness caused by the pandemic was even more taxing. However, the vast majority kept in touch with their families in their country of origin through WhatsApp, which was a source of emotional support. Additionally, in Italy, Oblatas allowed them to use the organisation's phone to connect with their families. Most of the women were mothers and some were living with their children. They needed counselling to work on the mother-child relationship, especially during house confinement. Those whose children were in their origin country pointed out that it was very difficult to obtain family reunification. Twenty women opted to return to their respective countries of origin during the pandemic, primarily to be closer to their families.

Women were also worried about exposure to COVID-19. Those who continued working tried to ensure that their clients obeyed safety instructions (such as cleaning their hands with alcohol gel or refraining from kissing). Regarding their workplaces, they felt safer working in prostitution flats or clubs than on the street or at industrial estates, where there were no hygiene measures or access to water. With regards to **healthcare** more generally,³ many doctor's appointments were cancelled or conducted by telephone, causing misunderstanding between the women and the doctors due to language and cultural barriers. Oblatas' social workers also had to put more effort into addressing the women's mental health, especially mood disorders and feelings of helplessness and anxiety caused by situations of uncertainty and isolation. Many women had experienced violence, either from their intimate partners or in situations involving sexual exploitation or trafficking. Oblatas also noticed increased use of alcohol and drugs by the women as a way of managing their fears caused by the pandemic. At the same time, some of the women reported positive effects of the lockdowns, such as having more time to look for alternative work or starting some form of training.

During the lockdowns in Spain, some of the women were **sanctioned** for engaging in prostitution/sex work in public spaces or for travelling to work in locations other than their place of residence. The lockdown measures prohibited being on the streets unless there was an official work justification. However, due

³ For more information in English about the health impact on trafficking victims, see: O García-Vázquez and C Meneses-Falcón, 'Impact of the COVID-19 Pandemic on the Health of Survivors of Trafficking for Sexual Exploitation: A qualitative study in Spain', *International Journal of Migration, Health and Social Care*, 2023, <https://doi.org/10.1108/IJMHSC-03-2023-0026>.

to the informal nature of their work, women engaging in prostitution/sex work, cleaning, and caregiving could not prove such official work justification.

In conclusion, from the point of view of the social workers at Oblatas, the pandemic negatively impacted the progress that many women had achieved, such as leaving abusive conditions and entering the formal labour market. However, the worst impacts came from the lack of protection by the social welfare system. Given the system's failure to protect the rights and wellbeing of these women, the role of NGOs and social networks in filling this need was indispensable.

As we move out of the pandemic, European countries must ensure that all residents, regardless of migration status, are entitled to social protections in times of crisis. Additionally, states and NGOs should consider providing this marginalised group with access to smartphones and the internet as a source of emotional support and socioeconomic inclusion.

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Access Denied: Sex workers' exclusion from COVID-19 relief in the United States

Mariah Grant

Abstract

This short article provides an overview of the US government's response to COVID-19 and the exclusion of sex workers from pandemic relief. It details the impacts of this exclusion, including how sex workers and advocates were forced to prioritise emergency service provision over longer-term policy goals. The article concludes that the exclusion of sex workers from COVID-19 relief is part of the US government's broader history of discriminating against people involved in the sex trades and hindering advancements in policies to protect sex workers' human rights.

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On 13 March 2020, the United States (US) government declared a national emergency in response to COVID-19. Throughout the country, pandemic measures came into effect, including lockdowns that fundamentally changed public life. These social isolation efforts were meant to minimise the spread of the virus and save lives, but not everyone was protected equally. At the Sex Workers Project of the Urban Justice Center (SWP), we provide free immigration legal services to people involved in the sex trades as well as advocate for changing policies throughout the US to decriminalise and destigmatise sex work. As both a direct service provider and national policy advocacy organisation, we had a unique vantage point from which to assess COVID-19's impact on sex workers and the harms caused by the government's intentional exclusion of sex workers from pandemic relief.

There is no universal healthcare in the US, which means that millions relied on health insurance only available through an employer.¹ Therefore, a person's job significantly affected their health outcomes during these early months of the pandemic. While the federal government set up some additional safety nets,² including free COVID-19 treatment regardless of insurance status, stimulus checks, unemployment insurance expansions, and loans to employers to cover employee wages during lockdowns, access to this assistance was also significantly tied to one's job. For sex workers, the ability to benefit from COVID-19 relief was severely limited both within the criminalised and legalised sectors.³

The provision of most in-person sexual services, defined legally as prostitution, is criminalised in all US states except select counties in Nevada where the work is legal within brothels. As a result, for sex workers doing criminalised labour, employer-based COVID-19 relief was inaccessible. The discrimination against these workers resembled what workers in other informal labour sectors experienced: with no formal employment relationship, they were left to fend for themselves.

For sex workers, however, even working within legal sectors did not guarantee assistance. Sex workers and businesses related to adult industries were specifically excluded in the *Coronavirus Economic Stabilization Act* and subsequent federal relief packages.⁴ As such, employers, like adult film companies as well as freelance adult content creators operating through a limited liability company, could not apply for relief loans through the US Small Business Administration.⁵ The exclusion of sex workers and the businesses they work for meant their survival during the pandemic was not limited to avoiding COVID-19, but also entailed finding a way to sustain themselves financially.

¹ The Professional Society for Health Economics and Outcomes Research, Inc., 'US Healthcare System Overview-Background', n.d., retrieved 18 November 2022, <https://www.ispor.org/heor-resources/more-heor-resources/us-healthcare-system-overview/us-healthcare-system-overview-background-page-1>.

² US Department of Labor, 'Unemployment Insurance Relief During COVID-19 Outbreak', n.d., <https://www.dol.gov/coronavirus/unemployment-insurance>.

³ E Nolan Brown, 'U.S. Sex Workers and "Prurient" Businesses Excluded From COVID-19 Disaster Loans', *Reason Magazine*, 1 April 2020, <https://reason.com/2020/04/01/u-s-sex-workers-and-prurient-businesses-explicitly-excluded-from-covid-19-disaster-loans>.

⁴ Public Law 116–136, Division A, Title IV, §4001, 134 Statute 469, 'Coronavirus Economic Stabilization Act of 2020', 27 March 2020, <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter116&edition=prelim>.

⁵ G Turner, 'Debate Over SBA Loan's "Sex Business Exclusion" Hinges on Obscure Word "Prurient"', *XBIZ*, 1 April 2020, <https://www.xbiz.com/news/251245/debate-over-sba-loans-sex-business-exclusion-hinges-on-obscure-word-prurient>.

To address this need, sex workers and sex worker organisations worked together to set up mutual aid funds and other forms of rapid assistance.⁶ Many of these efforts were location-specific, responding to the needs of sex workers within certain cities; national and regional organisations supported these efforts by providing referral services and setting up resource webpages to help sex workers find and connect to mutual aid groups in their area.⁷ This type of support was a lifeline for sex workers who could no longer safely conduct their work and were also denied government relief.

Mutual aid also filled a need for sex workers who faced new financial challenges due to COVID-19 but feared seeking non-pandemic government assistance for which they might have been eligible, such as housing. Such fear was (and remains) justified. Even with some types of sex work being legal in the US, there is still significant stigma directed at people working within the sex trades. For that reason, sex workers must engage in harm reduction tactics with regard to the decision to whom they disclose their work, which limits the government support systems with which they are willing or able to interact. Sex workers who are parents or migrants may be particularly reluctant to seek government support for fear that their work will be used against them in custody disputes or immigration proceedings. Therefore, mutual aid was a necessity not just due to adult industry-specific restrictions on COVID-19 government relief, but also because of pre-existing structural barriers to seeking any type of government assistance due to stigmatisation and criminalisation.

At SWP, clients accessing legal services are all migrants with sex trades experience seeking various forms of immigration relief. Due to their immigration status and occupation, they were dually disadvantaged in receiving government pandemic assistance and had to rely heavily on mutual aid from community groups. Since SWP's services are limited to immigration assistance, we too relied heavily on these community groups to meet the needs of clients throughout the pandemic while also, at times, providing emergency assistance beyond the scope of immigration relief. Many of our clients' experiences exemplified how US government policy choices caused harm and potential long-lasting trauma. This included Manuela (not her real name), a transgender woman who migrated from Mexico and was doing street-based sex work due to language barriers, limited formal education, and the absence of a work authorisation. She could not receive a government stimulus check because she lacked a social security number and the necessary

⁶ Global Network of Sex Work Projects, *Community-led Responses to COVID-19*, 3 November 2022, https://www.nswp.org/sites/default/files/sg_to_community-led_responses_to_covid-19_prf03.pdf.

⁷ Point Source Youth, 'Emergency Funds for Sex Workers During COVID-19', n.d., retrieved 26 July 2023, <https://www.pointsourceyouth.org/blog/blog-post-title-three-847yp>.

bureaucratic fluency to obtain a federal taxpayer number. To survive, she sought support from community groups, including TransLatin@ Coalition and Colectivo Intercultural TRANSgrediendo, for cash to cover daily expenses, access to food pantries, and group therapy to address stress and fear brought on by the pandemic.

Because of the sudden increase in sex workers needing support, many individual advocates and groups had to shift operations to use all or most of their rapid response resources to fulfil requests for aid.⁸ Additionally, sex worker-led organisations and groups relying on volunteers faced diminished capacity as their personal financial situations were increasingly constrained. At SWP, this meant shifting policy advocacy priorities to those related to COVID-19 relief and helping clients navigate bureaucratic systems oftentimes designed to exclude them. For one client, Raimunda (not her real name), who came to the US as an undocumented immigrant and was subsequently trafficked into the sex trades, SWP provided support after the death of her spouse from COVID-19. Raimunda lacked funds to pay for a funeral service at a time when New York City's funeral homes were overwhelmed. To give her spouse a dignified burial, she had to resort to crowdfunding money online and SWP's assistance in locating a funeral home outside the city.

The need to rely on community resources was due in part to the limited resources available to organisations supporting sex workers in the US. Just as workers in the sex trades face stigmatisation, so do advocacy groups when seeking funding. This situation is the result of decades of messaging by sex trade prohibitionists using a sex worker-exclusionary form of feminism and distorted definitions of trafficking to influence public perception and policy. A clear example of this is codified in the US *Trafficking Victims Protection Act* (TVPA), which requires grantees of federal anti-trafficking funds to sign a pledge that they will not 'promote, support, or advocate the legalization or practice of prostitution'.⁹ While this language does not necessarily preclude all organisations assisting sex workers from accessing federal funds, it creates uncertainty in some as to their eligibility, and unwillingness by others to seek funding that comes with the requirement of ignoring sex workers' voices.

⁸ D Gentile, 'SF Sex Workers Forced to Make Tough and Risky Choices During Pandemic', *SF Gate*, 13 April 2020, <https://www.sfgate.com/characters/article/SF-sex-workers-weigh-in-on-working-through-the-15177239.php>.

⁹ S Baskin, 'Fence-sitting and Its Discontents: The fear of taking a stand on sex work in the US', *Open Democracy*, 30 August 2021, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/fence-sitting-and-its-discontents-fear-taking-stand-sex-work-us>.

The US government's denial of COVID-19 relief to sex workers is in line with prior policy decisions to make life more dangerous for sex workers, including by limiting funding sources for advocacy groups. This context is necessary to understand the hostile spaces sex workers and advocates must navigate when pushing for policies to defend sex workers' human rights. Yet, despite the roadblocks, advocates and organisations still achieved important victories since the beginning of the pandemic. This included repeals of laws related to loitering for the purposes of prostitution in New York¹⁰ and California¹¹ that police frequently used to target trans women, particularly Black and Brown trans women. Local gains also included repeals of city ordinances that criminalised sex work in Vermont¹² and district attorneys in multiple jurisdictions¹³ implementing non-prosecution policies¹⁴ for sex work-related charges.

At this moment in the US, as human rights protections are rolled back for increasing segments of the population, including people seeking abortions and LGBTQ+ youth seeking equal access to education, sex workers and sex worker rights organisers should be looked to as leaders and experts in circumventing discriminatory government systems that deny them aid and infringe on their human rights to choice of employment, freedom of expression, bodily autonomy, and even life itself.

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¹⁰ New York Civil Liberties Union, 'Statement on the Repeal and Seal of the Walking While Trans Ban', 2 February 2021, <https://www.nyclu.org/en/press-releases/nyclu-statement-repeal-and-seal-walking-while-trans-ban>.

¹¹ B Migdon, 'California Governor Rolls Back Law Criminalizing "Loitering for the Intent to Engage in Sex Work"', *The Hill*, 5 July 2022, <https://thehill.com/changing-america/respect/equality/3546490-california-governor-rolls-back-law-criminalizing-loitering-for-the-intent-to-engage-in-sex-work>.

¹² R Mann, 'Montpelier City Council repeals sex work measures', *WCAX News*, 26 August 2022, <https://www.wcax.com/2022/08/26/montpelier-city-council-repeals-ordinances-banning-prostitution/>.

¹³ J Battaglia, 'Baltimore Will No Longer Prosecute Drug Possession, Prostitution and Other Low-level Offenses', *CNN*, 27 March 2021, <https://www.cnn.com/2021/03/27/us/baltimore-prosecute-prostitution-drug-possession/index.html>.

¹⁴ E Savit and V Burton-Harris, *Sex Work Policy*, Prosecutor's Office Washtenaw County Michigan, 14 January 2021, <https://www.washtenaw.org/DocumentCenter/View/27201/Sex-Work-Policy>.

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ANTI-TRAFFICKING REVIEW

Guidelines for Contributors

We welcome submissions from a diverse range of actors, including academics, practitioners, trafficked persons and advocates. The *Anti-Trafficking Review* particularly welcomes contributions from those with direct experiences and insights to share.

The *Anti-Trafficking Review* is aimed at a wide readership. It therefore encourages submissions that are in clear, jargon-free English with appropriate but not excessive citation.

Articles should be previously unpublished and should not be under consideration for publication elsewhere. All articles go through a rigorous double-blind peer review process.

Please refer to the journal's website (www.antitraffickingreview.org) for the journal's full style guide and guidelines for contributors.



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anti trafficking review

The Anti-Trafficking Review promotes a human rights-based approach to anti-trafficking. It explores trafficking in its broader context including gender analyses and intersections with labour and migrant rights. It offers an outlet and space for dialogue between academics, practitioners, trafficked persons and advocates seeking to communicate new ideas and findings to those working for and with trafficked persons.



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