

LGBTQIA+ sex work in the time of Covid 19C Marshall¹**Introduction**

Women and LGBTQIA+ people have been disproportionately affected by the global pandemic; during this period, we have faced increased domestic abuse, a higher rate of job and income loss, and additional responsibilities such as caregiving.² Such circumstances have prompted many to enter or re-enter the sex industry, at a time when working conditions and earnings are likely to be worse, and legal restrictions on sex workers have increased.³

In the England and Wales, sex workers are legislated under criminal rather than labour law, which criminalises many activities pertaining to sex work and excludes us from employment related legal protections. Indoor workers are subject to brothel-keeping laws (defined as two sex workers working from the same property) which prohibit us from working together or sharing a premises for safety,⁴ while outdoor workers can be charged for loitering and soliciting.⁵ Since the pandemic, suppression policies, raids, arrests and prosecutions of sex workers have increased in some areas,⁶ while more and more people are turning to sex work due to dire financial need, brought on by benefit cuts⁷ and the impacts of the global pandemic.

All sectors of the sex industry have been impacted by the global health crisis and the increased enforcement of sex work laws; including brothel raids, strip club shut downs, and licences being revoked for sex work venues. Lockdown measures impact any form of in-person sex work, particularly with increased police surveillance and arrests of street-based sex workers. Additional censorship and restrictions⁸ have impacted adult content makers and online sex workers, along with additional scams, online payment issues and the republishing of content without consent, with little to no legal recourse.

¹ C Marshall. Email: mxcmarsall@gmail.com

Citation Format: Marshall, C, 'LGBTQIA+ sex work in the time of Covid 19' (2022) 2 *International Journal of Gender, Sexuality and Law* 412.

² McGowan VJ, Lowther HJ, Meads C, 'Life under COVID-19 for LGBT+ People in the UK: Systematic Review of UK Research on the Impact of COVID-19 on Sexual and Gender Minority Populations' (2021) 11 *BMJ Open* e050092.

³ The Health Protection Regulations 2020 imposed limits on social interaction and the running of businesses during lockdown. These Regulations applied to the general population, including sex workers.

⁴ Sexual Offences Act 1956, ss 33-36.

⁵ Street Offences Act 1959, s 1.

⁶ Philips A, 'Hundreds Arrested for 'Running Brothels' as Sex Workers Say it's the Laws that are Criminal'. *Sky News*, 31 October 2020. Available at: <https://news.sky.com/story/hundreds-arrested-for-running-brothels-as-sex-workers-say-its-the-laws-that-are-criminal-12117653> (Last accessed 19 May 2022).

⁷ House of Commons Work and Pensions Committee, *Universal Credit and "Survival Sex", Second Report of Session 2019–20*, 16 October 2019. Available at: <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/83/83.pdf> (Last accessed 19 May 2022).

⁸ The Audiovisual Media Services Regulations 2020.

Sex workers already face multiple vulnerabilities, and the conditions that are linked to our work can include disability, nationality, social class, migration status or race.⁹ These vulnerabilities are exacerbated when we are also LGBTQIA+; we are a community at higher risk of homelessness, isolation, mental ill health and substance and alcohol misuse – all of which are factors in our higher likelihood of engaging with sex work.¹⁰ At the same time, LGBTQIA+ workers face some of the biggest risks and dangers within the industry, particularly for trans women who are significantly more likely to be assaulted or murdered while on the job.¹¹ The pandemic has further impacted the daily lives and working conditions of queer, trans and sex work communities, consequently “increasing risks of arrest, physical attack, and psychological trauma.”¹²

This piece extrapolates how gender, sexuality and the law intersect for queer and trans sex workers, within the conditions of the global health crisis. It reports on the outcomes of legal policy as they were adopted during the pandemic and examines which is the most damaging: the lack of legal rights, the criminalisation, or the dyadic relation of the two.

Methodology

I am a queer, non-binary worker with around 20 years of experience in various sectors of the industry, specialising in BDSM in-person services. I have worked through several crises including the pandemic, and sex work has enabled me to support myself as a student, carer, and writer along with helping me to escape homelessness and domestic violence. I am aware of the multiple oppressions that are faced by my sex working LGBTQIA+ community, and how the pandemic has highlighted and exacerbated the many ways in which we are impacted by the law. Queer and trans sex work is under-researched, and this report looks beyond heteronormative accounts to offer alternative insights into the ways gender, sexuality, health and crime intersect within sex work.

As an independent researcher, I lacked financial or institutional backing which in turn limited my range of interviewees, as I was unable to offer them payment nor could I focus on conducting the research full time. Due to time limits, I sought out subjects by reaching out through my personal and professional networks and contacts. I acknowledge that this approach risks restricting the range of accounts that the research covers, since it may be informed by my positionality as well as my privilege as a white British citizen.

⁹ Balfour R, Allen J, *A Review of the Literature on Sex Workers and Social Exclusion* (UCL Institute of Health Equity for Inclusion Health Department of Health, 2014).

¹⁰ LGBT Foundation, *Hidden Figures: The Impact of the Covid 19 Pandemic on LGBT Communities in the UK* (LGBT Foundation, 2020).

¹¹ Fedorko B, Berredo L, *The Vicious Circle of Violence: Trans and Gender-Diverse People, Migration, and Sex Work* (Transgender Europe, TvT publication Series Vol 16, 2017).

¹² Kilbride E, *LGBTIQ+ and Sex Worker Rights Defenders At Risk During COVID-19* (Front Line Defenders, 2020).

During the preliminary research stage, I had tentatively lined up interviews with workers from all sectors of the industry that are covered within the piece. However, due to timing and funding constraints, it was not possible to secure interviews with a street-based worker, a brothel-based worker or an agency worker, and very regrettably I was not able to obtain quotes from a trans woman worker or a migrant worker. This outcome only served to highlight the challenging and often chaotic conditions of work and life within a global pandemic for members of the community, and perhaps which members may struggle the most with sharing their experiences.

I spoke in detail with six people; spanning gay, bisexual, lesbian and asexual workers with cisgender, transgender, gender fluid and non-binary gender identities. The age range spanned 28- to 37-year-old participants, and while the research is divided into sections based on industry sectors, most workers I spoke with concurrently operate within multiple areas of the industry.

Outdoor Sex Workers

The partially-criminalised nature of sex work as well as inconsistent enforcement of legislation has resulted in the more vulnerable, visible workers such as street-based workers being on the receiving end of violence, fines, arrest, eviction, and deportation.¹³ Outdoor workers can be charged for loitering in public and “persistently” offering services, which is actually defined as more than once in three months.¹⁴ Police regularly request to see workers’ IDs and visa documents,¹⁵ despite it being highly risky to carry such paperwork while on the job. Demands for documentation can be particularly dangerous for migrant or trans workers, since exposure of a name, gender identity, or work status can cause additional discrimination, violence, or deportation at the hands of the police.

Street work charges attract fines of up to £1,000 and Criminal Behaviour Orders (CBOs)¹⁶ and Engagement and Support Orders¹⁷ which require workers to attend meetings to discuss the “causes of their offending behaviour” and their plans to leave sex work. Unlike regular cautions, a “Prostitutes’ Caution”¹⁸ does not require the worker to admit guilt and it cannot be appealed, leading to a permanent criminal record. Prostitution fines create a double bind for outdoor workers since it can be impossible to clear the debt without continuing to work. Queer and trans workers, along with workers of colour, are more visible and therefore are more likely to be profiled, targeted, and subjected to violence and criminal charges.

¹³ Sanders T, Scoular, J, Campbell, R, Pitcher, J and Cunningham, S, *Beyond the Gaze: Summary Briefing on Internet Sex Work* (University of Leicester, 2017).

¹⁴ Street Offences Act (1959), s 1.

¹⁵ English Collective of Prostitutes, *Migrant Sex Workers Fight Police Illegality and Racism*, 2020. Available at: <https://prostitutescollective.net/migrant-sex-workers-fight-police-illegality-racism/> (Last accessed 20 May 2022).

¹⁶ Anti-Social Behaviour, Crime and Policing Act (2014), s 22.

¹⁷ Street Offences Act (1959), s 1(2A).

¹⁸ Home Office, *Home Office Circular No. 109/1959* (1959).

The complex nature of the legislation can increase the associated risks of sex work, due to the demands of having to understand and navigate complex legal constraints. The threat of criminalisation means that some workers operate in anonymous, isolated settings where it is not possible to obtain or share vital safety information. Meanwhile, attempts to evade police might reduce the chances of being able to negotiate preferable services and payments from clients, due to having less time and space to be able to screen clients. Clients can be charged with public solicitation in any public place, whether kerb-crawling or on foot,¹⁹ which increases risks for workers who may be pressured into speedier screening processes.

Clients can also be charged for paying or planning to pay for sex with someone who is 'subject to force';²⁰ a law which may seem to support trafficking victims, but in fact makes matters worse. If a client suspects that force is being used, they are unlikely to report it since the strict liability offence means that they would also be liable.²¹ In addition, knowingly engaging with someone who is unable to consent should trigger sexual assault or rape charges, but these are effectively reduced to a strict liability offence and a fine of up to £1,000 when the victim is connected to the sex industry.

Alongside the already criminalised components of our work, sex workers faced additional restrictions during national lockdowns, and therefore de facto criminalisation across all sectors of in-person sex work. Bella²², a 29-year-old queer woman and full-service sex worker, compares the vulnerabilities across the industry:

I assume street workers took this hit the hardest, it definitely felt like a more dangerous world not just in terms of Covid exposures but also the attitudes of clients in general, given that those seeing sex workers during a pandemic were presumably less concerned with safeguarding the physical health of others.

Obviously not having worker rights meant we couldn't access the same kinds of financial aid packages or be officially furloughed; in particular, immigrant sex workers had no recourse to public funds of any kind.

Bella

In Leeds, the Holbeck Managed Approach permitted street-based sex workers to operate within specified hours and areas, while clients were permitted to purchase their services. Britain's

¹⁹ Sexual Offences Act (2003), s 51A.

²⁰ Sexual Offences Act (2003), s 53A.

²¹ Graham L, 'Governing Sex Work Through Crime: Creating the Context for Violence and Exploitation' (2017) 81 (3) *Journal of Criminal Law* 201-216.

²² All interviewees' names have been changed throughout this report, to protect their anonymity.

first and only legal red-light zone, Holbeck, had successfully run on a harm reduction basis since 2014,²³ and had improved sex workers' safety and likelihood to access support and engage with the police. However, the managed area was suspended during the pandemic, prohibiting any soliciting at any time during a Corona virus lockdown; and the scheme has since been permanently discontinued.²⁴ Arrests and prosecutions of sex workers continued throughout the pandemic, with increased police surveillance, arrests and criminal charges since sex workers operating under lockdown had to face police enforcement and fines, whether working outdoors or indoors.²⁵

Indoor Sex Workers

While it is legal for indoor workers to provide sexual services for payment, we must be alone with the client in order to avoid brothel charges. A brothel is legally defined as a building containing more than one person offering sexual intercourse,²⁶ which includes working with a friend or colleague or simply having someone else there for safety. Sex workers must also be careful when giving advice to other workers, especially if it could make them money, since it could be considered as inciting prostitution for gain.²⁷ Equally, helping each other with administrative tasks such as arranging bookings can be considered as controlling prostitution for gain.²⁸ It is illegal to own or manage a brothel or agency, act as an agent or manager or even assist someone in this role.²⁹ Controlling for gain and inciting attract a minimum prison sentence of up to seven years, plus seizure of any assets.

Independent Indoor Workers

Independent indoor work covers the provision of in-person sexual services directly with clients, including massage, conventional sex acts (often referred to as full service or escorting), BDSM activities, and social activities. Independent indoor workers do not work through a brothel, agency, or other third party or establishment. By working independently, we handle our own advertising, screening, and scheduling, which is often conducted via online platforms, groups, and forums to reduce risks. However, a recently implemented set of US anti-trafficking measures, SESTA and FOSTA, have shut down many internet-based resources,³⁰ networks, and advertising platforms.³¹

²³ Roach J, Wood, K, Cartwright, A, Percy-Smith, B, Rogerson, M, and Armitrage, R, *An Independent Review of the Managed Approach to Onstreet Sex Working in Leeds 2014-2020*. (Commissioned by Safer Leeds, University of Huddersfield, 2020).

²⁴ BBC News, 'Holbeck Legal Red Light Zone in Leeds to be Discontinued', *BBC News*, 15 June 2021. Available at: <https://www.bbc.co.uk/news/uk-england-leeds-57487062> (Last accessed 19 May 2022).

²⁵ Global Network of Sex Work Projects (NSWP), *COVID-19 Impact Survey – Europe* (NWSP, 2020).

²⁶ *Stevens v Christy* (1987) 85 Cr App R 249, 251

²⁷ Sexual Offences Act 2003, s 52.

²⁸ Sexual Offences Act 2003, s 53.

²⁹ Sexual Offences Act 1956, ss 33-36.

³⁰ S. 3165 (116th): SESTA/FOSTA Examination of Secondary Effects for Sex Workers Study Act, A bill to direct the Secretary of Health and Human Services 2019-2021.

³¹ Blunt D and Wolf A, 'Erased: The Impact of FOSTA-SESTA and the Removal of Backpage on Sex Workers' (2020) 14 *Anti-Trafficking Review* 117-121.

This legislation triggered the closure of the adult sections of several UK websites including Craigslist and Gumtree, thus further reducing independent sex workers' advertising opportunities. Criminalisation makes it harder to work autonomously, through undermining our ability to support each other online and report instances of harm.³²

Website hosts, social media platforms, and advertising sites regularly ban workers³³ and tighten their terms of service without warning,³⁴ rendering many of us reliant on digital intermediaries or Adult Service Websites (ASW) such as AdultWork. AdultWork is the UK's biggest sex work platform, and it has monopolised the industry as a market gatekeeper. The platform extracts value from sex workers by driving down standards and prices, which normalises and devalues risky behaviours such as sex without a condom.³⁵ Despite operating in a legal setting, sex workers are pressured into arranging bookings quickly, sometimes without screening, due to the competitive nature of existing among such a high volume of other service providers. Workers still need to pay to advertise and frequently upload new, unique content in order to attract enough clients through the platform. AdultWork relies on sex workers to generate content and funds, yet the platform continues to devalue sex work services and therefore operate in favour of clients.

Jack, a 28-year-old queer, non-binary transgender worker who works as an escort and BDSM provider, explains how the website changed over lockdown periods:

AdultWork removed the option to make a booking via the site, and the option to review clients. So, usually I would not take a booking from someone with no feedback but during that period I did it quite a few times. I felt slightly safer working in a flat with friends where we were all in the same position. We were all taking the same kind of risks and helping one another assess that.

Jack

By removing functionality to reflect lockdown restrictions, working conditions became worse for Jack who needed to make additional compromises:

In order to get more clients I went back to advertising on sites that I had stopped using before the pandemic, [I] lowered my rates at points where

³² Klambauer E, 'Policing Roulette: Sex Workers Perceptions of Encounters with Police Officers in the Indoor and Outdoor Sector in England' (2017) 18 (3) *Criminology and Criminal Justice* 255-272.

³³ Grey E, 'Social Media Is Reshaping Sex Work—But Also Threatening It', *Wired*, 18 March 2018. Available at: <https://www.wired.com/story/sex-work-social-media/> (Last accessed 20 May 2022).

³⁴ Dawson B, 'Instagram's Problem with Sex Workers is Nothing New', *Dazed Digital*, 24 December 2020. Available at: <https://www.dazeddigital.com/science-tech/article/51515/1/instagram-problem-with-sex-workers-is-nothing-new-censorship> (Last accessed 19 May 2022).

³⁵ Hardy K and Barbagallo C, 'Hustling the Platform: Capitalist Experiments and Resistance in the Digital Sex Industry' (2021) 120 (3) *South Atlantic Quarterly* 533–551.

work was especially quiet, occasionally took bookings doing services I either usually would not, or agreeing to things that I was not so experienced in. I saw a few clients at the end of the 2021 lockdown when things were still quite strict and some of those bookings were quite strange, mostly clients who demanded a lot of emotional intensity.

Jack

During lockdown, many hotels were closed or scrutinised guests more closely, while lockdown restrictions shut down sex work specific venues, so Jack needed to rely on residential venues:

I work in two locations mostly, both of which are friends' flats. I definitely felt anxious, especially in the flat which two other escort friends live in. I was more nervous about the neighbours calling the police on us for breaking lockdown, then being discovered for escorting, then perhaps my friend being done for brothel keeping, and having all those charges on top of one another. There is no way I would have even considered calling the police in that period.

Jack

Lockdown restrictions combined with brothel laws impacted the work so much that if Jack was in danger at work, they would not have sought out police support or reported the crime. Despite the additional financial pressures, the break in sex work did help Jack to progress with their gender transition:

I started taking hormones as the break from sex work made me realise I was putting my life and transition on hold, due to needing to perform as a woman at work. Since going through medical transition, physical changes mean I am getting less work. This has coincided badly with the pandemic, as it means I am still sometimes taking bookings or offering services that I am less comfortable with.

Jack

Conducting sex work through gender transition presents a particular set of challenges, but for Jack this is still the best option:

Transition is expensive as there are huge waiting lists on NHS, and the other option is self-medication, or very unreliable or costly private options. Even

once you get there on the NHS waiting list, not everything you may need is covered and there are further waiting lists from getting your initial appointments to getting your surgery or whatever else. Apart from the best and quickest options being expensive, this is also very stressful and takes a large toll on mental health. For all these reasons, sex work is a good option despite its issues because of the low hours and high pay.

Jack

Freeya, a 32-year-old bisexual non binary escort and BDSM practitioner, stopped working entirely during the pandemic:

I mainly work in hotels, so it was just impossible. I can't work from home so space to work was completely shut off. I was also worried about if the clients were seeing other people and not being able to measure my safety. I have one very vulnerable person in my immediate family and it just felt too risky to be working.

Freeya

Along with health considerations and a loss of venues, Freeya also struggled with their mental health and the pandemic restrictions:

The pandemic really affected my mental health, and this on top of my own personal issues meant I was completely unable to do sex work. I couldn't get my head around constant changes in rules and regulations and it felt impossible to work under the circumstances.

Freeya

Freeya has since resumed working, but is still impacted by Covid regulations and surveillance:

Recently I did a session and there was a big police presence right outside the hotel. I don't know if it was Covid related or that's just the way it is there, but it made me really uneasy. I don't feel safe around the police, they make me very anxious.

I've already been in a position where sexual assault services had specifically advised me not to go to the police because I'm a sex worker, and I'd face prejudice. As a result I'm unlikely to go to the police in general, but especially during lockdown. My family also don't know I'm doing sex work and this

makes me less likely to go to the police if something happened, because I don't want people to find out.

Freeya

Freeya finds that their gender and sexuality are intrinsically linked to sex work, such that this needs to be constantly navigated at work:

I used to define as a lesbian and was doing sex work during that time, but now I define as pansexual or bisexual. My sexuality is different during work, and there are certain things I will only do with lovers and not clients.

A few years ago I came out as non-binary, and during that time it was really difficult and triggering to work as a cis woman, which my clients expected of me. Now I'm able to play the character, whilst maintaining my personal gender expression outside of work, and the difference is actually very helpful. I often get misgendered as a cis woman and although I'm happy with this during sex work as I perform and advertise as such, I am not happy during other types of work as it places me in a constant stage of coming out over and over again.

Freeya

Bella, a 29-year old queer woman and full service sex worker, had planned to boost her income but instead faced increased running costs and worse working conditions:

I moved just before the pandemic hit, with the intention of using my home for in call bookings and upping the volume of clients so I could rely exclusively on sex work income. Obviously, that didn't happen because of lockdowns, and I was instead dealing with more rent to pay and less work coming in.

Luckily, I already had a client base, if I didn't I don't know what I would have done because I found that new clients (and some old clients too) were exploiting the increased financial desperation sex workers were experiencing, to push boundaries and get away with more.

In terms of my lesbian sexuality, it doesn't really affect my ability to provide a good girlfriend experience. I don't know many straight workers that fancy

their clients, so there's not as much a difference there as people might expect.

Bella

Brothel Workers

A brothel or massage parlour is a managed sex work venue, facilitating multiple sex workers to provide in-person sexual services. Brothel workers operate on a self-employed basis, giving a portion of their hourly or daily earnings to the business owner or manager. Since brothels cannot be run legally, venues were not given any guidelines for social distancing or protecting the health of the workers. Many brothels closed during the pandemic, due to reduced clientele along with increased risk of being raided and shut down. Many brothel-based workers had to manage with little or no income and being self-employed without contracts meant that they could not access sick pay, redundancy funds, or furlough. Brothel raids were already regularly putting sex workers at risk³⁶ but these continued throughout the pandemic,³⁷ which further reduced safer working options for the community.

Strip Club Workers

Strip clubs are licensed venues which provide erotic dancing, including striptease in front of an audience plus private dances which may be fully nude. As a legal sector, strip clubs are subject to licensing laws and council regulations and had to remain closed throughout all of the national lockdowns. Given the number of workers on site, it should be easier to negotiate fairer working conditions however, a lack of legislation³⁸ enables business and property owners to set conditions that suit their own needs. Strip clubs often impose strict, inflexible requirements on workers, such as fulfilling specific shifts, arriving exactly on time and adhering to a distinct dress code, with fines being imposed for non-compliance. Dancers must also pay house fees, a fixed amount of money to the venue to be able to work each shift, on top of the percentage or commission that the club takes from the workers' earnings throughout the night. Nevertheless, strippers are treated as self-employed or on zero hours contracts, lacking employment benefits such as sick pay, furlough or holiday pay and any of the associated workers' legal protections.³⁹

³⁶ Phillips A, 'Hundreds Arrested for 'Running Brothels' as Sex Workers Say it's the Laws that are Criminal', *Sky News*, 31 October 2020. Available at: <https://news.sky.com/story/hundreds-arrested-for-running-brothels-as-sex-workers-say-its-the-laws-that-are-criminal-12117653> (Last accessed 20 May 2022).

³⁷ Brown F, 'Luxury Cars, Paintings and Cash Seized During Raids on London brothels', *Metro*, 23 April 2020. Available at: <https://metro.co.uk/2020/04/23/luxury-cars-paintings-cash-seized-raids-london-brothels-12598019/> (Last accessed 20 May 2022).

³⁸ Cruz, K, Hardy, K and Sanders, T, 'False Self-Employment, Autonomy and Regulating for Decent Work: Improving Working Conditions in the UK Stripping Industry' (2017) 55(2) *British Journal of Industrial Relations* 274-294.

³⁹ Cruz K, Hardy K, and Sanders T, 'False Self-Employment, Autonomy, and Regulating for Decent Work: Improving Working Conditions in the UK Stripping Industry' (2016) 55 *British Journal of Industrial Relations* 10.

During lockdown, some adult entertainment venues had the option to open purely as a bar, without dancing or stripping, but most stayed closed as it would not have been profitable. Meanwhile, venues are regularly threatened with having their licences revoked, with a possible citywide ban of strip clubs in Bristol, thus reducing safer working options even further.⁴⁰ Some strip club workers resorted to working at private events, without any security, while others needed to offer additional services to get by.

April, a 36-year-old bisexual female sex worker, saw her work drastically change due to the pandemic and associated restrictions:

I used to strip on and off for a long time, but February 2020 was the last time I did it (before lockdown). And then at some point one of my friends asked if I wanted to come and work at this secret (unlicensed) strip club. At this point I was of the mindset that I wasn't gonna do full service, just dances. But then I realised I could make more money, and I'd already been having shit sex for years anyway. I was upset and disgusted at first, but now it's alright. Now I'm doing full service, I feel much less trusting towards the police, and even less likely to go to them if anything happened to me.

April

Due to mainstream strip venues being shut down and having less ways to make a living, April pursued full-service work as well as online sex work for the first time:

I'd never done any online work before and had always been cautious about it because of who might see my content. But it was lockdown, so I went for it. I set up my OnlyFans, and slowly became comfortable with showing more things.

April

April has encountered some discomfort among heterosexual full-service colleagues:

As a bisexual woman, I'm able to work well with other women on bookings. Some female sex workers won't work with or for another woman, and I don't know if that's ingrained homophobia or if they feel threatened by another woman.

April

⁴⁰ BBC News, 'Bristol Strip Club Dancers Speak Out Against Ban Proposal', *BBC News*, 6 March 2021. Available at: <https://www.bbc.co.uk/news/uk-england-bristol-56300242> (Last accessed 20 May 2022).

Adam, a 30-year-old queer gay man, is a stripper and online content creator who has lost his main source of income and is unsure of whether it will return after the pandemic:

The club I worked in shut its doors because of Covid, just like all of them. But it was made clear we would not be working at the same venue when restrictions were lifted. The uncertainty of finding another venue to work in was a worry, we landed an exciting venue but because of some very confusing double standard rules the venue changed again.

The Covid 19 restrictions and a loss of income has also meant that Adam has needed to find other forms of work, but he feels that all forms of sex work can involve unstable income and unsafe situations in which we cannot turn to the police:

Extra lockdowns definitely jolted me and I had to rely more on online work to support myself. At the same time, there were extra delays in releasing money to myself from the websites, which made living without other forms of income way more stressful. What all this has taught me is to enjoy whatever work you get because we're targeted everyday for what we do. If I was on the job and needed help, a call to friends would be my first option as I can't contact the police. Naturally we all feel unsafe with the police.

Adam

Adam works at a LGBTQ+ strip and lap dance event, and benefits from working within a community run environment, although it is far from perfect:

As a queer person I'm very flexible and comfortable in a lot of spaces, but that's my character anyway. I'll always feel more at home dancing alongside my family of trans and queer people, as I feel naturally protected. Being cis gay male presenting I've experienced being touched without consent, and customers trying not to pay for dances. People try to walk over me as they see bodies similar to mine in porn and feel less obliged to support. They may just be shitty people, but I have and will always stand my ground and approach them with calm kindness, explain what I need from them then tell them why what they did was wrong. Nightlife and sex work is tough, your skin gets thicker and thicker though.

Adam

Online Workers

Online sex work includes adult webcam operators, often referred to as cam girls, plus phonenumber operators who provide erotic chat that is sometimes anonymous. Erotic content providers create and sell sexual photos and videos through platforms or their own networks and websites, either as custom or ad hoc pornographic content or as part of a regular subscription service. Online workers represent the fastest growing sector of the industry, with its ease of accessibility and its flexible, lucrative work prospects. Workers can log in at any time, connecting to millions of potential clients to sell live webcam shows and content. It is a global service that crosses borders and cultures, and as such sex workers are subject to a wide variety of labour laws, regulations and working conditions.

Working online is legal in England and Wales but requires the sharing of images and data in ways that can permanently compromise sex workers' privacy and safety, potentially rendering them recognisable and no longer in control of their image. Online platforms are becoming increasingly embedded into all sex work practices, yet robust digital security measures and online legal protections for sex workers are severely lacking.

The pandemic triggered a huge influx of new people to take their first steps into sex work, via webcam and subscription platforms, due to unprecedented unemployment and financial need, and the ease of access to online platforms. At the same time, many long-term sex workers switched from in person work to online work, to replace lost earnings and avoid the Covid 19 health considerations of offering in-person sex work.

Full service LGBTQIA+ sex workers are doubly stigmatised due to their gender, sexuality and industry position, and have a greater need for anonymity due to the dangers of being exposed as a queer or trans escort. Online work removes or vastly reduces the option of working without showing face images and ID documents. Online material can easily be used to expose sex workers, and being outed can lead to catastrophic irreversible consequences, including doxxing, hacking, stalking, threats, blackmail, and the republishing of content without consent.⁴¹ The vulnerabilities associated with a sex work digital footprint can include severe restrictions to accessing housing or employment, and a loss of family, friends and support networks, and even arrest and criminal convictions.

April warns that it can be very hard to make any money as an online content creator, and that it is only possible by being fully public about the work:

⁴¹ Sanders T, Scoular J, Campbell, R, Pitcher J and Cunningham, S, *Internet Sex Work: Beyond the Gaze* (Palgrave Macmillan, 2018).

With OnlyFans, there are these two extremes where a few people are making shit loads of money and most people are making no money. And you can only really do it if you're out, because you use your other social media to advertise it.

April

Revenge porn is defined as the non-consensual sharing of private, sexual photos or videos of someone with the intent of causing them embarrassment or distress.⁴² Intimate material is sometimes accompanied by personal information such as legal names, addresses, and social media profiles to publicly name and shame the victim. Revenge porn laws⁴³ have recently been enhanced, and criminalise the disclosure or threat of disclosure of private sexual imagery, but protections against unsolicited content sharing do not extend to sex workers; since our content is created for commercial gain.⁴⁴ Online sex workers report a dramatic increase in being blackmailed with their images, which can lead to financial extortion, sexual abuse and cyber bullying.⁴⁵ While subscription platforms claim to protect workers from illegal content sharing, in reality it is extremely unlikely that they would ever pursue a case.

Sam, a 37-year-old gay, non-binary worker who offers BDSM services, does not trust any of the online content protections:

The statements about keeping our content secure.... It's more a warning or a deterrent than anything else. Or more likely, just to encourage new models and make them comfortable enough to sign up.

Sam

Sam has previously faced difficulties with having content shared without consent, and has been unable to get it removed:

A few sites and forums have reposted photos of me from years ago, from old content that I'm no longer comfortable with that's been offline for years. My work name is tagged, so they're easy to find and potential new clients will see them. Every site I've asked to remove them has either ignored me or asked for ID - supposedly to prove the photos were mine - but I obviously

⁴² Criminal Justice and Courts Act 2015, s 33 (1).

⁴³ Criminal Justice and Courts Act 2015, s 33, as amended by Domestic Abuse Act 2021, s 69.

⁴⁴ The Criminal Justice and Courts Act 2015, s 33(7)(a) provides that there is a defence where the person charged 'reasonably believed that the photograph or film had previously been disclosed for reward'.

⁴⁵ Sanders, T, Connelly, L, and Jarvis King, L, 'On Our Own Terms: The Working Conditions of Internet-Based Sex Workers in the UK' (2016) 21 (4) *Sociological Research Online* 15.

wouldn't trust them with personal information. They knew this, and they also knew exactly who they were talking to.

Sam

Surveillance technology is rapidly developing, including the use of biometrics and facial recognition technology which can locate, track, and identify individuals, and further reduce the ability to operate anonymously in sex work. Digital surveillance enhances police surveillance strategies, and the gathering of evidence for law enforcement, amid concern that authorities may use CCTV inappropriately and excessively.⁴⁶ Live, real time facial recognition cameras continue to be deployed by the London Metropolitan Police despite their high error rate,⁴⁷ and London has the highest number of CCTV cameras per person in any city in the world outside of China.⁴⁸

Online wish-lists and electronic payments may seem safer than handling cash, but even supposedly private online services can reveal sex workers' identities and addresses. Digital payment methods are subject to scams including chargebacks, fake payments, and funds being seized by platforms that oppose sex work, including PayPal. Criminalisation, censorship, and regulations limit our ability to exchange information and protect ourselves against these scams.

Censorship laws were already tightened in 2017,⁴⁹ which reduced the type of content that sex workers can create, thus reducing our earning potential and ability to be selective in the ways that we work. More recent proposed legal changes⁵⁰ could impose strict verifications for porn site users resulting in reduced privacy for online sex workers, and although this policy was dropped, further moves to enhance porn laws may be likely. OnlyFans also temporarily banned all explicit content, citing payment issues⁵¹ and putting their content creators in a very difficult position as they could no longer utilise the platform as a reliable source of income.

⁴⁶ Denham E, 'Information Commissioner's Opinion Addresses Privacy Concerns on the Use of Live Facial Recognition Technology in Public Places', *Information Commissioner's Office*, 18 June 2021. Available at: <https://ico.org.uk/about-the-ico/news-and-events/information-commissioner-s-opinion-addresses-privacy-concerns-on-the-use-of-live-facial-recognition-technology-in-public-places/> (Last accessed 20 May 2022).

⁴⁷ Fussey P and Murray D, *Independent Report on the London Metropolitan Police Service's Trial of Live Facial Recognition Technology* (Human Rights Centre, University of Essex, 2019).

⁴⁸ Bischoff P, 'Surveillance Camera Statistics: Which Cities Have the Most CCTV Cameras?', *Comparitech*, 17 May 2021. Available at: <https://www.comparitech.com/vpn-privacy/the-worlds-most-surveilled-cities/> (Last accessed 20 May 2022).

⁴⁹ Digital Economy Act 2017, s 3.

⁵⁰ Cellan-Jones R, 'UK's Controversial 'Porn Blocker' Plan Dropped', *BBC News*, 16 October 2019. Available at: <https://www.bbc.co.uk/news/technology-50073102> (Last accessed 19 May 2022).

⁵¹ Iqbal N and Hern, A, 'The Problem with OnlyFans' Mainstream Dream', *The Guardian*, 16 September 2021. Available at: <https://www.theguardian.com/news/audio/2021/sep/16/the-problem-with-onlyfans-mainstream-dream> (Last accessed 20 May 2022).

Conclusion

During the pandemic, sex workers faced additional lockdown restrictions and de facto criminalisation across all sectors of in-person sex work; strip clubs were shut down and police surveillance expanded. Suppression policies increased, resulting in increased brothel raids, arrests and prosecutions, which gives rise to clear parallels with the Nordic Model. In Sweden and Norway, this Model criminalises the purchase of sexual services as part of a failed attempt to abolish the sex industry,⁵² which resulted in sex workers experiencing more stigmatisation, violence, and social isolation.⁵³

By comparison, during national lockdowns in England and Wales, police were given enhanced powers to enforce laws at their discretion, and sex workers felt less able to report any work associated crimes. Clients had impunity to commit violence, push for lower prices or riskier services, and heighten sex workers' risks of exposure to STD and Covid 19 infections. If a form of income is prohibited without provisions of alternative work or funds, then it is likely to continue in more covert, dangerous conditions. In France, almost 50% of sex workers state that they have been subjected to more violence since becoming criminalised in 2016.⁵⁴

The painful irony for sex workers is that during the period of the pandemic, Labour MP Diana Johnson called for amendments to be added to the Police, Crime, Sentencing and Courts Bill to fully criminalise sex work and effectively implement the Nordic Model in the UK.⁵⁵ At the same time, the government's strategy for tackling violence against women and girls has been launched,⁵⁶ which uses increased surveillance strategies as a supposed form of safety enhancement, placing undercover police in bars, for example, which poses a further threat to sex workers who are increasingly monitored while having to evade the law.

Despite increased surveillance and policing, queer and trans people still go unnoticed and unsupported when they are placed in forced, coercive situations. LGBTQIA+ people are more likely

⁵² Levy J and Jakobsson, P, 'Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and on the Lives of Sweden's Sex Workers' (2014) 14 *Criminology and Criminal Justice* 593-607.

⁵³ Global Network of Sex Work Projects (NSWP). *Smart Sex Workers' Guide: Challenging the introduction of the Nordic Model* (NSWP, 2017).

⁵⁴ Medecins du Monde, *Study on the Impact of the Law from 13 April 2016 Against the "Prostitution System" in France* (Medecins du Monde, 2019).

⁵⁵ Frankie Miren, 'Sex Workers are Exhausted by Attempts to Further Criminalise our Work, but the Tide Could be About to Turn', *inews*, 15 April 2021. Available at: <https://inews.co.uk/opinion/sex-work-nordic-model-end-demand-diana-johnson-open-letter-952466> (Last accessed 20 May 2022).

⁵⁶ Home Office, *Tackling Violence against Women and Girls Strategy*. Available at: <https://www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy-progress-update/tackling-violence-against-women-and-girls-strategy-progress-update> (Last accessed 20 May 2022).

to be subjected to trafficking due to their gender or sexuality,⁵⁷ particularly if they are trafficked beyond borders and come from regions which criminalise their gender or sexuality. Due to the hidden nature of same-sex sex work and LGBTQIA+ stigmatisation, trafficked queer and trans people are even less likely to be recognised as coerced and are therefore less able to access help from local authorities. Gender and sexuality can combine dangerously with immigration status for queer and trans people in any industry, but the dangers can increase significantly when they are also being coerced or criminalised.

The pandemic and Covid 19 policy have highlighted and enhanced forms of violence, discrimination, and oppression committed against LGBTQIA+ sex workers in particular. Queer and trans workers are especially vulnerable to criminalisation due to multiple marginalisations and the inequalities that trans and queer people experience, which have been exacerbated by the global pandemic.

Conventional work options are less accessible to the queer and trans community, and those of us suffering with mental or physical ill health face even more barriers to attaining such opportunities. Trans people's options are particularly limited due to the high cost of medically transitioning, and the high level of stigmatisation they face in their daily lives. Having to work as a different gender or sexuality can be challenging and can trigger dysphoria, as well as the higher risk of blackmail and violence at work due to the increased stigma of being both a worker and a queer or transgender person.

Homophobic, Biphobic and Transphobic Hate Crime legislation was updated in 2020,⁵⁸ but in reality, offers no extra protection to the members of the community who are also sex workers, as we do not trust the police. Less than a quarter of sex workers in a 2017 study⁵⁹ stated that they had reported a work-based incident to the police. Most workers feared that reporting and engaging with the criminal justice system would alert police to their work, which could risk public identification, jeopardise their anonymity or put them at risk of arrest or disruption to their business. Freeya states that they are in a vulnerable position due being unable to work within the law, while being criminalised and unprotected by the law:

I've heard countless stories of friends who have been targeted by the police and the law so I am very aware that this problem exists for me and my colleagues.

Freeya

⁵⁷ Martinez, O and Guadalupe, K, 'Sex Trafficking of LGBT Individuals: A Call for Service Provision, Research, and Action' (2013) 42(4) *The International Law News* 1.

⁵⁸ Sentencing Act 2020, s 66.

⁵⁹ Sanders T et al, (n 41).

Adam states he has “never felt protected by the law”, and a lack of protections, in combination with being criminalised and targeted by the law, creates a vicious cycle that results in institutional systematic hardship for trans and queer sex workers. Adam feels constantly targeted as a queer sex worker, but despite this he remains optimistic about our abilities to mobilise to improve our rights and lives:

We're always targeted, but through the pandemic that emphasis on keeping us down was heightened, to try and crush what we do. It is heartwarming to see a lot of public support of sex workers, but we will always be fighting battles against the laws that oppose what we do. I will always keep positive at the forefront of my thinking; sex workers are resilient as fuck and we will always create space for ourselves.

Adam