

Where are the sex workers?

A Minor Field Study on the political exclusion of sex workers and sex workers' rights advocates in North Macedonia

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Abstract

This is a Minor Field Study that describes in what ways sex workers and sex workers' rights advocates perceive the political exclusion of sex work in Skopje, North Macedonia and how such exclusion affects their everyday experiences. The study was conducted through a Minor Field Study which included semi-structural interviews and direct observations. The results present sex workers' and sex workers' rights advocates experiences of everyday exclusion and demonstrate certain ambiguous relationships to ministries and state institutions as well as civil society actors in North Macedonia. The study shows the consequences of the simplistic and exclusionary discourses on sex work and sex trafficking that remains blind to differences between women's experiences in the sex industry. Such discourses are perceived to dehumanise sex workers which makes the work of sex workers' rights advocates seem irrelevant. Such blindness also seems to further push sex workers and sex workers' rights advocates in North Macedonia to the margins of political space where political advocacy for sex workers becomes difficult, and under prioritised. Where successes of inclusion have been made, the funding for sex workers' rights is perceived to be unsustainable and not accountable to the sex worker community in North Macedonia.

Key words: sex workers, dehumanisation, political exclusion, post structural feminism, Social Practice Theory, ethnography, North Macedonia

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1. Introduction

1.1 Background

The Republic of North Macedonia is an independent country since 1991 and is in south-eastern Europe, in the region commonly known as western Balkan. North Macedonia has been an EU candidate since 2005 and has undergone extensive law reforms since the beginning of its accession process (Utrikesdepartementet, 2019). Despite reforms and policies aimed at achieving gender equality, women as well as ethnic minority groups in the country (especially the Roma community, highly concentrated in the neighbourhood Shuto Orizari) remain underrepresented and gender norms remain rigid. North Macedonia is also a place where victims of trafficking originate from and transit through. Recently it has also become a country of destination (Woźnica, 2014:402–3). There are extensive problem with collecting data on and preventing gender-based violence and trafficking. The funding for this is also limited (Utrikesdepartementet, 2019; Gacanica et.al., 2019).

In recent years, international organisations like the UN and regional organisations such as the the European Union (EU) and the Council of Europe have recognised and tried to accommodate for previous gender blindness in decision-making processes, exemplified by for instance the Women Peace and Security agenda. Gender mainstreaming, the process of incorporating a gender perspective into all policy domains, has become a defining feature in international and regional organisations. Regional organisations have also created new instruments for preventing gender-based violence (see for example the Istanbul Convention). Gender-based violence (GBV) is defined as acts of violence towards an individual because of their gender (UNHCR). Trafficking in persons is understood as organised crime and has become construed as an international security problem. This includes sex trafficking, which the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* represent (United Nations, 2000). These have, together with other frameworks tried to supress GBV in all its forms while it has simultaneously produced a discourse around trafficking that has portrayed women in the sex industry solely as victims of trafficking, especially migrant sex workers. North Macedonia has recently expanded their implementation of policies and regulations to eliminate trafficking in persons (which is still largely in practice conflated with sex work) (Woźnica, 2014).

The latest ratification of the Istanbul Convention in North Macedonia through the *Law on Prevention and Protection against violence against women and Domestic violence* (Law on GBV; Council of Europe, 2022) is a great success by actors lobbying for policies to achieve gender equality and has visualised their power to define the discourse around GBV. Article 7 explicitly mentions female sex workers as a group especially vulnerable to GBV (Position Paper, 2022). However, sex work remains illegal in Macedonia mainly through two articles. Article 19 in the *Law on Misdemeanors Against the Public Order* as well as article 191 in the Criminal Code (no. 170/2017). The regulations impose a fine on anyone that sells sexual services and sanction all associated activities in the political economy of sex work apart from the purchasing.

The resistance by sex workers to the state regulation of sex work has problematised gender equality projects regarding sex trafficking since it is criticised to remain blind to and suppress the diversity among women, which reproduces inequalities between women. Scholars have highlighted how sex workers and sex workers rights advocates have been excluded internationally and nationally (Kempadoo, 1999 & 2005; Fitzgerald & Freedman, 2021). Sex trafficking policies as well as policies on sex work therefore continue to be detached from the reality of sex workers, migrating sex workers as well as victims of sex trafficking. North Macedonia, an EU accession country since 2005, places the study of sex workers' and sex workers' rights advocates' (SWAs) power to redefine sex work in the context of a post-conflict, post-socialist state where gender mainstreaming is localised to "Europeanise" as part of the accession project (Spehar, 2012; Van der Molen & Novikova, 2005:151-2). With this background it is of interest to understand how sex workers and SWAs defend their rights, work for their rights, and protect such rights in the context presented above. Kempadoo (2005:295) argues that sex workers' movements in the developing world have been largely ignored by western, white feminism. A study of the resistance of sex workers in North Macedonia can account for the lack of diversity in this research field.

1.2 Research questions

With the background presented above the research questions for this study are:

How do sex workers and sex workers' rights advocates (SWAs) in North Macedonia perceive the political exclusion of sex work?

How does the political exclusion of sex work in North Macedonia affect the everyday experiences of sex workers and SWAs?

Sex workers and SWAs are conflated in the research questions. However, a separation and distinction of the experience of sex workers and SWAs will be emphasised continuously in the results. A recognition of difference is legitimate since not doing so would on occasion create misunderstandings and be counterproductive to the research aims.

1.3 Aim

The aim of the research is to understand sex workers' positions in the context of a growing application of gender mainstreaming. The research is informed by an advocative framework with a focus on the marginalisation of sex workers (Creswell, 2003:9-11). It therefore aims at counteracting the silencing of certain groups of women and thus widen the representation of women, highlighting the lived experience of people who are excluded in political space. The study will shed light on everyday experiences of sex workers and SWAs and their relationship to state institutions and civil society actors in Skopje, North Macedonia. It will also contribute to past and present research on women's agency and women's vulnerability. Hence, it will add to the conversation about the lived effects of women's representation and how such representation is used to legitimise exclusionary migration-, trafficking-, and sex work policies both nationally, and internationally.

1.4 Post structural feminist theory with a social practice approach

Feminist theories cannot be neatly subcategorised (Runyan, 2019). However, there are clear differences in feminist theories regarding sex work. Jointly, feminisms address the universal marginalisation, exclusion, and underrepresentation of women in the political, societal, and economic sphere by mutually asking the question 'where are the women?'. Feminist theories argue that the construction of gender and gender identities informs the structure of society where masculinity is overvalued, and femininity is undervalued.

Sex work has been a topic of great debate that has divided and fractured feminist theories. Some of them make no distinction between voluntary involvement in the sex industry (henceforth sex work) and forced involvement in the sex industry (henceforth sex trafficking),

which is usually marked by an abolitionist or neo-abolitionist feminist position in favour of full or partial criminalisation of sex work. The fracture in feminist theory concerning sex work has incited a huge amount of theory and research on the topic. Carole Pateman (1999:53) presents a structural understanding of sex work, in line with neo-abolitionist feminism, where the male ability to demand women's bodies is seen as resulting from the modern capitalist patriarchy. An important assumption or argument made is that the purchase of sexual services is not like any other purchase of services since, under modern patriarchy, the sexual act consolidates the sexual identity and hence the selling of sexual services becomes the sale of oneself (Pateman 1999:60-1). Hence, the understanding of sex as intrinsically connected to one's identity becomes a critical assumption in the argument against sex work as an economic institution. Furthermore, 'prostitution' is criticised for being an institution where men can access women's bodies by purchasing women's sexual services. This argument is made by studying the intentions of men when purchasing sexual services, and not by looking from the sex workers' perspective of whether they voluntarily engage in such activity or not since this is considered irrelevant to the conclusion whether it constitutes male violence or not (Pateman, 1999:60-3; Svanström, 2017:33). The existence of a market selling women's sexual services is seen to confirm the female as the subordinate sex.

Regarding this study's aims and questions, the results will be analysed using post structural feminist theory that partly criticises such framings of sex work. Post structural feminist theory focuses on the social construction of gender and gender identities and emphasises the need to deconstruct the assumptions behind such categorisations. The theory remains critical towards simplistic and essentialised categorisations of people. In deconstructing such perceptions an important dimension is to address these essentialised assumptions defining 'women' and 'men' (Runyan 2019:42-43). When criticising such essentialism post structural feminism becomes open to recognising differences *between* women (and *between* men), hence criticising the understanding of sex work as solely an institution of male violence. The understanding of other intersectional social identities, such as class, become visible. Post structural feminist theory therefore criticises other feminist theories for failing to see differences between women when subscribing to essentialised categories of 'men' and 'women'.

Eisenstein (2007) also explains how the gendering of sexes confines women (and men) to what they ought to be like. The women who do not fit in to such categories are often disqualified and excluded (Eisenstein 2007: Chapter 5). Post structural feminist theory has also highlighted

the way in which feminism has been co-opted by neoliberal and imperial ideologies where the concept of protecting women has legitimised military intervention (Eisenstein 2007: chapter 5), and in the case of sex workers, state regulation and repression (Bernstein, 2012; Svanström, 2017:30-42). Hence, in the application of post structural feminism in the discussion on sex work, some feminisms are perceived complicit in reproducing gender roles and gender inequality as well as advocating for state repression, often called carceral feminism (Bernstein, 2012:254-5; Ward & Wylie, 2017:157). Carceral feminism is a description of how radical feminist ideas have moved “into mainstream state criminal justice apparatuses” (Ward & Wylie, 2017:158). Bernstein (2012:254 &251) explains how feminism has become an apparatus of control and punishment, especially regarding the ‘traffic in women’ where social and economic inequalities have become side-lined when solely emphasising criminal justice as the legitimate and most effective policy. Similar tendencies have been shown in Sweden when neo-abolitionist approaches to the sex industry was unanimously accepted in the parliament but during such acceptance it has increasingly become considered a criminal rather than a social policy issue (Svanström, 2017:41-2).

Post structural feminists have also tried to conceptualise how certain groups/subjects become dehumanised and stripped of basic human rights. Butler’s (2004:32) theoretical account of the process of dehumanisation explains how structures, practices and discourses present certain subjects as human and grievable and others as non-human and thus ungrievable lives (grievable; meaning that the lives are worthy of life and worthy of not being harmed). Kapur (2015), inspired by such theoretical reasoning, applies it to the case of gender and sexual minorities and the international framework of human rights law where the author argues that the entitlement to human rights is premised on a subject being recognised as able to experience human rights infringements and that such are recognised as grievable. Furthermore, the human rights framework presents a normative framework that defines who is recognisable under the law. Kapur (2015:270) is critical of including marginalised communities into the framework of human rights law since it does not promise systematic change from marginalisation to inclusion but rather serves to be included in a precarious and yet another exclusionary framework because it is predicated upon continuous gender arrangements. Hence, the inclusion is perceived to be unstable and precarious. Similarly, Eisenstein (2007: chapter 5) remains critical to the concept of inclusion and exclusion as simple opposites since inclusion of some women, who do not deconstruct the essentialised roles of women and men (or the fixated

gender arrangements), may maintain (reproduce) inequality by the exclusion of the ‘other’ women.

Kapur (2012) argues that the conflation with trafficking and sex work effectively strip sex workers, women, of their agency and choice. Andrijasevic’s (2007:31) research on the anti-trafficking campaigns in Eastern Europe signals the confining of “the theme of migration into the realm of forced prostitution” by portraying women’s migration solely as sex trafficking and consequently, women’s migration as the result of active choices as agents becomes unimaginable. Kapur (2012:30) argues that such conflation serves to legitimise restrictive migration policies which reproduces the idea of women as needing constant (state) protection. Within the study of sex work in the global south several researchers have established that the discourse on sex work, coupled with discourses on female migration as well as trafficking in person have been and still are conflated where often both sex work and female migration is discussed only being the result of trafficking in person for sexual exploitation (Kempadoo 1999; Kempadoo et.al 2012; Kapur, 2015; Andrijasevic, 2007). Hence, the perception of sex work as conflated with sex trafficking is argued to be the result of how women are seen essentially as victims and stripped of their agency. Such a discourse is argued to serve the exclusion of sex workers in political space (see 1.5.2) since the conceptualisation of voluntary sex workers becomes unimaginable or as Pateman (1999) puts it, irrelevant.

Such exclusion has primarily been studied linguistically by post structural feminists. Post structural as well as structural understandings of the construction of gender is something that Ortner (1996:2) remains critical towards as she argues that the understanding of the linguistic social construction on gender is insufficient without ethnographic research on how and when these discourses successfully shape the everyday experiences of the lives they talk about. Kempadoo (2012; 1999; 2005), a prominent theorist on sex work and sex trafficking in the global south thus advocate for an approach that Ortner (1996) calls Social Practice Theory in the study of sex work. This study is therefore open to the criticism against post structural feminism since it also uses a social practice theory approach, needed when studying sex work. This approach is thus necessary to confront the fallacies in post structural feminist methods.

Similarly, Kempadoo (1999:233) suggests that Social Practice Theory presented by Ortner (1996) is relevant and necessary for the study of sex work in the Global South to depart from the polarised feminist debate (sex workers as victims or agents). The approach combines the

understanding of structural constraints while also highlighting women's agency in either resisting or reproducing such structures and/or discourses: called *embedded agency* (Ortner, 1996:13). Such a theory is relevant for the study of sex workers' resistance to dominant discourses and is compatible with my research questions that aim to conceptualise resistance while exploring structural constraints. The approach can conceptualise gender inequality while illuminating the agency of sex workers through deconstructing essentialising conceptualisations of women in the sex industry. In her own ethnographic studies, Ortner (1996:89) recognises multiple paradoxes in the making of gender which serves to exemplify where discourses may fail to holistically shape the everyday life of the addressed subjects. Furthermore, Ortner (1996:89) recognises the reality of women by moving beyond the imagined boundaries and aims to highlight when discrepancies between discourse and lived experiences occur. The theory/approach is therefore suitable since the research aims at understanding the perception of the political exclusion of sex work and how such exclusion influences sex workers' and SWAs' everyday experiences.

1.5 Previous research on sex work

In this section, I have analytically separated research on the sex industry and research on sex workers' exclusion in political space.

1.5.1 Research on the sex industry

O'Connell Davidson (1998) has written extensively on sexual labour. In the book *Prostitution, Power and Freedom* O'Connell Davidson presents her ethnographic research that took place in various countries and communities during several years. One of her research questions aims to decipher what structures shape the everyday experience of participants in the sex industry (O'Connell Davidson, 1998:8). Influenced by both structural theorists as well as post structural theorists, the research (1998) criticises the one-dimensional and simplistic understandings of sex work as deviant, which dominates the discourse on sex work.

An interesting theoretical discussion on the possibilities of unions for sex workers, like other labour unions, is presented by O'Connell Davidson (1998:189-192). O'Connell Davidson (1998) argues that the internal dynamics of the political economy of sex work is central to understanding the limited possibilities, or the limited interest of states to regulate and make

collective action possible for sex workers. However, sex work is redefined through time and space which constantly changes the characteristics of its political economy (Kempadoo, 1999:229). Hence, the political economy of sex work, with the rapid introduction of new technology, has changed, which may outdate parts of O'Connell Davidson's reasoning in this regard. O'Connell Davidson (1998) does, however, also remain critical to the effect of both criminalisation and decriminalisation when implemented in isolation to political, social, and economic reform (1998:189), a position which several researchers highlight since the sex industry has been understood through societal structures and not only by the simple regulation of it.

West's (2000) study partly criticises O'Connell Davidson's claims regarding the possibilities of sex workers' collective actions by presenting four different case studies of sex workers organisations in the UK, Australia, the Netherlands, and New Zealand. West (2000:107) argues that O'Connell Davidson's discussion is abstracted from contextual realities. In the cases that West (2000) present, political action through sex worker collectives has created space for reformist change. West (2000:107-11) argues that in certain cultural, political, or social contexts there are political interests in regulating contracts between client-sex worker by the same rationale as it is understood as a problem of social order rather than solely an economic institution. Hence, West (2000:116) as well as Kempadoo (1999) argue that the study of sex workers' organisations and resistance require research in diverse contexts. West's research illustrates a limited selection of case studies where all presented cases are in the Global North. My proposed research is thus relevant as it confronts an absence of diversity in this research field while being an attempt to meet the need to study how sex workers and SWAs perceive their political exclusion in North Macedonia.

The sex industry in North Macedonia has largely been explored by research on trafficking. North Macedonia is defined mostly as a transit country (Woźnica, 2014). In such research sex work is mostly discussed through the lens of sex trafficking or other types of trafficking. To the best of my knowledge, there is no research aiming to study sex workers' resistance from the perspective of sex workers as well as SWAs in North Macedonia, a negligence which Kempadoo also highlights (2005:295) and a gap which this study aims to fill.

1.5.2 Research on sex workers' exclusion

There is a rich research field attempting to understand the effects that the representation of sex workers has on their ability to be recognised as viable and legitimate actors in political space. This is something which Levy-Aronovic et.al's (2020) article on the implementation of a new neo-abolitionist inspired law on the regulation of sex work in Israel does. The article studies the ways in which sex workers were consulted and part of the discussions in the policymaking and in media leading up to the new legislation. Levy-Aronovic et.al (2020) highlights the political discourse on sex work as being a key influence in the silencing of alternative perspectives to neo abolitionist feminist and conservative ones. The framing of sex workers as oppressed victims in need of state protection discredited sex workers' voices. The research (2020:517) also highlights the phenomena of the unexpected coalition between abolitionist feminists and religious conservatives in the process of monopolising the political debate. Deriving from the same essentialised constructions of womanhood, the coalition might not be as unexpected as it seems (Bernstein, 2012).

The representation of sex work in the global south through such gendered understandings has been indicated by several researchers. Within the study of sex work in the global south several researchers have established that the discourse on sex work, coupled with discourses on female migration as well as trafficking in person have been and still are conflated where often both sex work and female migration is discussed only as being the result of trafficking in person for sexual exploitation (Kempadoo, 1999; Kempadoo et.al, 2012; Kapur, 2015; Andrijasevic, 2007).

FitzGerald and Freedman (2021) who participated in the European Commission's Mutual Learning Programme (MLP) for the elimination of sex trafficking described the exclusion and silencing of alternative voices to the neo-abolitionist feminist position. In the discussions concerning sex trafficking, alternative voices trying to multiply the perspectives and representations of the sex trafficking victim were excluded. FitzGerald and Freedman (2021) argue that neo abolitionist feminists have monopolised the space for 'experts' discussion on sex trafficking. Alternative voices were often disregarded as irrelevant and excluded through 'biased procedures' effectively limiting who can be included (2021:5-12). The research therefore presents how the policies on sex trafficking, being conflated with sex work, remain

detached from the reality of the subjects most impacted by them (FitzGerald and Freedman 2021:12; Andrijasevic, 2007).

Goodyear & Auger (2013) studied sex workers' advocacy in Canada and argue that the multiple and various representations of sex workers as criminals, delinquents or passive victims all serve to politically exclude their voices. Often the debates on sex work were seen to be shaped by issues on the problem of sex workers, the criminal activities that surrounds sex work while sex workers' security and lives are left outside the conversation. Hence, sex workers were excluded in terms of not being able to define the boundaries and the content of the discussion while seemingly being included in the consultations.

1.6 Defining 'sex work' and 'sex workers'

In relation to the study's aim to raise the voices of sex workers and SWAs, I decided to define the term sex work together with the participants, an approach emphasised by sex worker scholars (Megan Lowthers et al., 2017). The collective STAR in North Macedonia is an association for and by sex workers. Upon registering as full members of the association (only sex workers are full members with voting rights) they sign a statement to say that they are sex workers. This echoes, together with the participants' answers, a broad understanding of sex work where the individual self-perception or self-identification with the occupation is the focus. The term is not associated with a universal definition of what sexual services include. Jovana, a sex worker and SWA, said:

Under the term 'sex workers', I include the men, women, and transgender people, particularly every person who is of age [...] above the age of 18, who at a given time and place, in the past or present, offers sexual favours in return for goods or material gains. Regardless if they are strippers, hot-line operators, or people who directly offer sexual favours, without any regard to whether they're Romani, Albanians, Turks, so with no regards to all of that.

This definition does not discuss the unwillingness of several sex workers to *identify* as sex workers. The simple statement of association with the term was on occasion presented as a difficulty in the research process. Despite the discursive change from using derogatory words, this has not removed the stigma that any term describing the selling of sexual services still holds. The discursive change has not yet allowed all sex workers to be willing to define

themselves as sex workers since the stigma associated with such actions is still evident and prevalent. The interview questions to sex workers who were reluctant to describe themselves as such, were thus reformulated to avoid the term as much as possible upon recommendations from key informants to not offend or create a relationship of distrust with the community. This was a difficult but necessary balancing act to create the premises for reliable and valid research.

1.7 Empirical material

The empirical data used in the study is mainly transcripts from semi-structural interviews conducted in the field in Skopje, North Macedonia. The research questions are thus partly answered by studying the told subjective experiences of participants in these interviews. The study includes in total 15 formal semi-structural interviews, six with sex workers and nine with civil society actors working with sex workers' or women's rights. Their ages ranged from 30-57 and included men and women as well as different national/ethnic identities. The sample is small and further research could benefit from including more participants, especially with a focus on solely sex workers. However, building the trust with the community necessary to interview more sex workers would have taken a longer time. The limited selection does influence the results in the sense that it highlights SWAs perceptions more than sex workers. To accommodate for the fact that only six semi-structural interviews were held with sex workers, among which some were shorter than one hour, I also had informal conversations with sex workers in the open scene (see image 1).

Field notes from direct observations and informal interviews with sex workers, as well as written documentation (letters, statements) between civil society actors and ministries and political parties will also be used. Complementary material in the form of research by NGOs (secondary data) as well as legislation concerning the current political and legal structures around sex work are used to further contextualise the research questions. Research by NGOs is however secondary data and will strictly be used complementary to understand the perspectives of the participants, especially when they refer to certain research in the interviews. Predominantly analysing primary data aims at securing the validity of the research at hand.

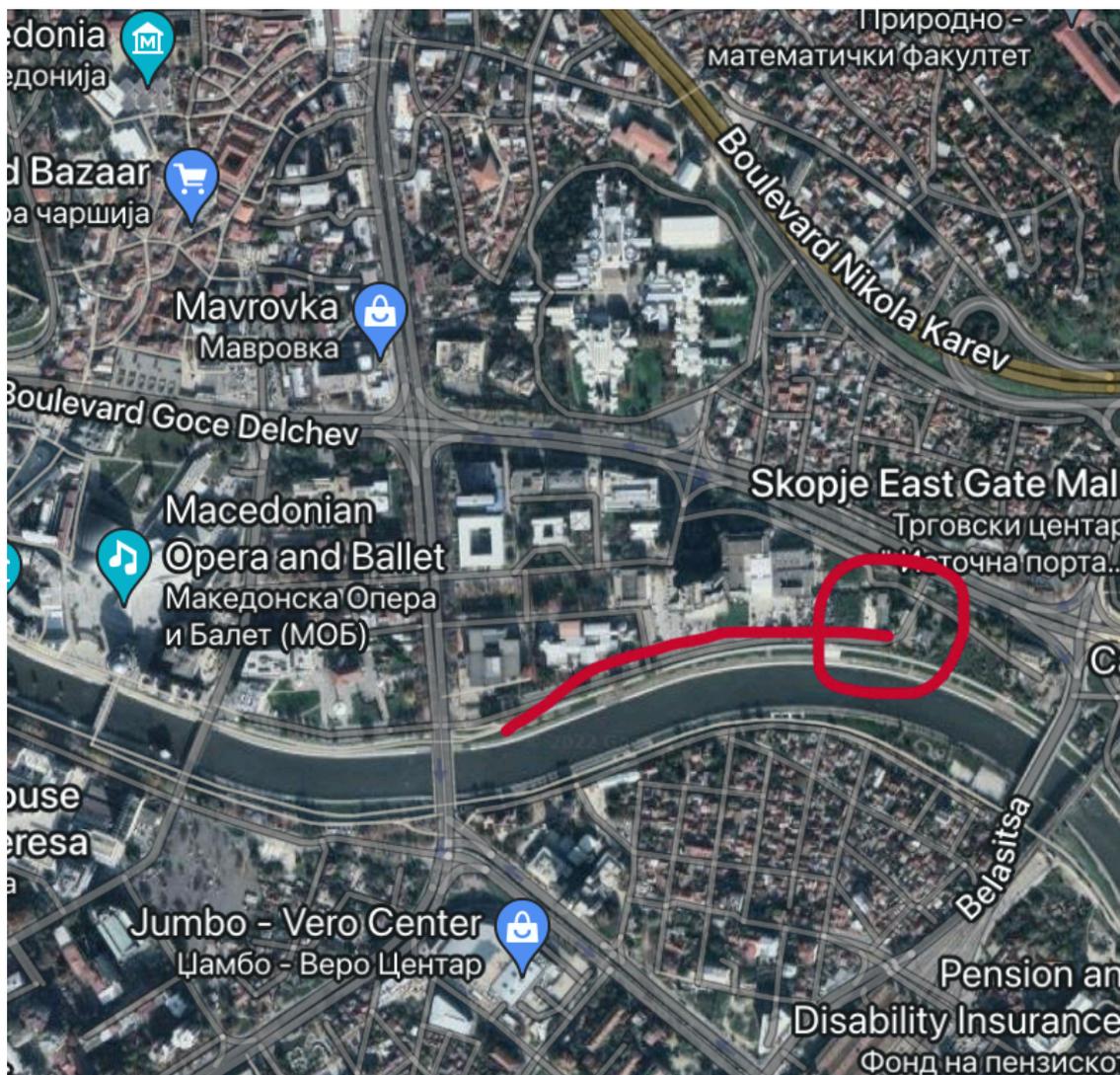
2. Method

Reaching the sex worker community was necessary to answer the research questions. Therefore, multiple ethnographic methods were combined to circumvent the challenges in studying hidden communities (Watters & Biernacki, 1989). The research questions are not only of a purely descriptive nature. But are also aiming at explanative research (De vaus, 2001:2-9) with the intention of understanding how sex workers and SWAs perceive the political exclusion of sex workers *and* how such exclusion affects their everyday experiences.

The study of sex workers' resistance in North Macedonia presented a field with civil society organisations (CSOs) that have various organisational structures, visions, and specialisations. There are both intergovernmental as well as non-governmental organisations that work with the topic. However, the only organisation, or rather collective, for and by sex workers in North Macedonia is STAR, an association for marginalised workers (practically for sex workers).¹ STAR is a community-based organisation where the only members with voting rights are themselves sex workers. Due to that specific structure, STAR is one of the CSOs in North Macedonia that has the closest relationship to the community members. Healthy Options Project Skopje (HOPS) is also an important organisation for sex workers' rights that works closely with STAR and Collective margins through the Informal Platform for the Decriminalisation of sex work. HOPS works for several marginalised groups, including sex workers, and works mostly with health and legal services along with advocacy. Coalition margins also works with sex workers but usually take on more strategic cases for advocacy purposes. The space for sex workers in the civil society in North Macedonia, specifically Skopje, and gender equality is various, multiple and involves several organisations, intergovernmental, national, grassroot as well as international organisations. The civil society is funded by various institutions, and they collaborate in many different questions which create fluid boundaries between them. The organisations mentioned above are the most central organisations for sex workers' rights in North Macedonia, especially in the process for the decriminalisation of sex work, and they are also the ones with the closest relationships to the community.

¹ Before centrally registering as an association their name included sex workers but upon registering, they had to change to marginalised workers since they were otherwise not able to register. (Field Note 20/1-22)

It is through the CSOs where I have met and interviewed sex workers. This was either done in correlation with direct observations (open scene or in service centres), where outreach work is conducted, or through prescheduled meetings where I went to the homes of sex workers. The outreach work in the open scene is mostly conducted by the famous, generally known, location by the Macedonia radio television, as the participants refer to (see Image 1). The area surrounding the red marking is where the open scene in the city centre mostly centres (upon information from participants) and where outreach work is conducted.



2.1 Collection of the material

The methods included semi-structural interviews that were conducted in Skopje, North Macedonia.² I also directly observed the work of two organisations which easily gave rise to natural settings where informal interviews could be conducted. In relation to the direct observations, material was also collected that will be used to establish the ongoing political discussions, debates, and research on the field. Aiming at highlighting differences, complexities, and subjective experiences of sex workers and SWAs the interview questions were open-ended. To discover and explore factors and themes that arguably shape the relationship between sex work and state institutions, the interview questions were semi-structured. The questions differed depending on the expertise of the participant and depending on the community being interviewed. Central to the formulation of the questions were to let the participants highlight their subjective understandings and what they find the most important within the boundaries of my study. Therefore, the questions needed to be understood by the participants to avoid misunderstandings and open-ended to facilitate the ability of the participants to partly steer the conversation. Such conversations also ensure the study's objectivity in the sense that it helps to remain open towards the direction of the conversations, and hence "the *outcomes* or results of a study" (Schensul & LeCompte, 2013:321).

Two central communities were interviewed for the purpose of the research. The sex worker community (community 1) and SWAs (community 2). Some participants were part of both communities. Prior to the field study, my aim was also to interview politicians to be able to understand their political positions. However, this was presented to be a struggle as they were difficult to reach due to the ongoing government shifts and the pandemic. Thus, no interviews were conducted with politicians. I began having interviews with key informants in community 2 who later introduced me to other participants as well as members of community 1. Community 2 included field workers, political advocates, human rights lawyers, legal advisors as well as social workers. Hence, the snowball-technique was used. The snowball-technique does not constitute random sampling and can lead to the overrepresentation of certain groups. However, Watters & Biernacki (1989) argues that the use of, among other, the snowball-technique is necessary to study hidden communities to gain a more diverse representation of actors than traditional techniques of reaching hidden communities through institutions can do.

² One was conducted in Shtip.

Community 2 included representatives from the civil society working for sex workers as well as representatives from women's rights organisations. Previous research has proposed that certain feminist positions have been excluding sex work and sex workers from the political discussion (see 1.5). Given this, it was important to also interview representatives from women's rights organisations.

The study also included direct observations which were mostly done via Zoom because of the Covid-19 pandemic. Field notes from observations on meetings, outreach work and other discussions will be used in the results. Other material was gathered to gain an understanding of the political situation regarding sex work, sex trafficking as well as the relationship between state institutions and civil society actors. This includes legislation that regulates sex work as well as letters (between organisations and ministries), and research papers by civil society actors. These documents also allowed me to formulate my questions for the interviews as they signalled the participants' perception of relevant and important topics.

2.1.1 Ethical considerations and influencing factors

Since the study easily presented situations where participants were discussing personal and sensitive experiences, several ethical considerations were concerned. All the semi-structural interviews began by the reading the information on the participation in the study where the participants signed the consent form. Consent was given to be part of the study, to be audio recorded and for the use of personal data. When participants were unable to sign the consent form, verbal consent was given. When participants were unable to read the document on the information of the study my interpreter read it outloud. The participants were given opportunities to ask questions before, during and after the interviews. One interview was ended since there were people influencing the outcome of the interview. All the participants' names have been anonymised by using pseudonyms. To ensure the participants' anonymity there is no presentation of the age, nationality, ethnicity, and other demographic information about them specifically but only whether they are a sex worker or an advocate (see Appendix 1).

2.2 Inductive thematic analysis

The method to analyse the empirical material was conducted through an inductive analysis. Open questions were asked to the material which enabled the results to be grounded primarily

in empirical research and not theoretical discussions. The results will thus be presented by highlighting themes that were raised by the participants. The method to code the data follows the thematic codes highlighted by rereading the transcripts. The exemplified quotes have thus been added under each theme in a coding scheme (Esaiasson et.al, 2015:282). Several dimensions of the perception on the political exclusion were highlighted by the participants and section 3. *Results* will present the empirical findings which represents the participants' subjective perceptions and experiences. Both research questions are dealt with in the themes since they are correlated to each other. After the results an analysis under section 4. Analysis is conducted where theory, previous research and empirical results are analysed together. This method of analysis is compatible with previous research in other contexts and their epistemological assumptions (see West, 2000; Levy-Aronovic et.al, 2020; O'Connell Davidson, 1998; FitzGerald & Freedman, 2021; Ortner 1996). The inductive approach is also needed due to the limited research conducted concerning sex work in North Macedonia.

2.3 Disciplining subjectivities

The relationship to the people in the field was affected by my own positionality in the field. I thought that my youth and my gender would be key factors affecting my relationship to the participants. Of course, these did most probably ease my relationship with sex workers. However, the relationship to SWAs was mostly affected by my nationality, being Swedish. Sweden is associated with the Nordic model, or the Swedish model where the selling of sexual services is legal but purchasing and soliciting is criminalised (inspired by neo-abolitionist feminism). The model is highly criticised by the community. I was in a sense a representation of that model. In one meeting I was introduced as a student from Sweden studying sex workers and one of the participants in the meeting shared a story of her coming to Sweden to meet with what was *supposed* to be feminist organisations and she was not happy with the experience. She was “happy to see that I am different, that I am interested in them and their work” (Field note, 24/1–22). Such discussions also indicate the relationship between feminism and the sex workers' rights movement.

There was also a language barrier in the research process. An interpreter joined me on activities where participants were not comfortable with speaking English. The interpreter shared certain dimensions of my own positionality as a young female which would most times ease the

research and the relationship to the communities. Both the Macedonian answer and the interpretation of the participants' answers were transcribed by the interpreter.

2.4 Delimitations and limitations

My study concerns the *political* exclusion of sex work and does not attempt to investigate the *social* exclusion of sex workers. Hence, the study's focus lies on the everyday experiences of sex workers in relation to political or state institutions and not directly towards their experiences with friends, family and in other social gatherings. Political exclusion and social exclusion are however interrelated with each other. But considering the aim of the study, it is the actors' (sex workers and SWAs) perception of their position in political space that is the focus.

Today, a lot of advocacy activities and sex work is conducted through social media platforms. The censorship of sex workers' and SWAs' accounts was brought up during my field study but is not discussed in the study due to the limited space and the different actors it would involve, such as Instagram, Facebook, YouTube, TikTok etc. The exclusion of sex workers in cyberspace is however an urgent topic which ought to be discussed. It also affects the political exclusion of sex workers since a lot of political advocacy is done through social media platforms. This is a topic which is not discussed in this study but ought to be furthered studied to understand what space is available for sex workers on social media platforms specifically for advocacy purposes.

The time frame for the collection of the data is 17th of January until 17th of March. The participants' relationship and perceptions may change fast due to the political turmoil in North Macedonia, but the study has tried to consider changed relationships and perceptions (especially in section 3.3.1). A study under a longer period could of course be beneficial to include more dimensions of the changes and the changing perceptions that could occur during a longer time frame especially in North Macedonia where the participants' have emphasised the instability of the government affecting their relationships to the relevant ministries.

3. Results

The themes that were identified in the empirical material is presented below. They all illustrate the dimensions of political exclusion of sex work and how this is perceived and experienced by SWAs and sex workers in North Macedonia. It also describes how this is affecting their everyday experiences (specifically with state institutions). 3.1 presents the participants' perception of the illegality of sex work and how this affects their work and relationship to state institutions. 3.2 moves on to present the way in which sex work is partly only allowed to be discussed privately. Both themes of the illegality and invisibility of sex work constrain, delay, and inhibit SWA's work and sex workers' relationship to state institutions. 3.3 presents the recognition of sex workers' sexual and reproductive rights in North Macedonia where their recognition as a key population in the HIV-prevention programme has produced ambiguous relationships between CSOs, state institutions and sex workers. 3.4 highlights the participants' experiences of exclusion from women's rights organisations. 3.5 presents how unequal power relations between sex workers, CSOs vis a vis state institutions are perceived to prevent the empowerment activities of CSOs. These are the themes which the analysis of the empirical material found, and they will be presented below. The analysis of the results will be presented afterward in 4. Analysis.

3.1 Sex work as illegal

The character of the political economy of sex work has an essential influence over the ability of sex workers to advocate for themselves and be a part of political decision-making in North Macedonia. Dejan says that “[b]y not recognising sex work as work. By not recognising sex workers as people, they cannot be included in any sphere of the political work”. Dejan emphasises the need for sex work to be recognised as work as well as sex workers to be recognised as people, to be humanised. Dejan perceives the denial of sex work as work to be correlated with the denial of sex workers as people. The informality of sex work denies sex workers their sexual labour and hence is perceived to prevent their ability to conduct political legal advocacy which aims to counter the everyday discrimination faced by sex workers from institutions. Jelena, a SWA, argues that the illegality of sex work is the biggest challenge in the legal advocacy for sex workers' recognition as it is always used as an argument to deny sex workers their human rights.

So, the prejudice over sex workers are the biggest challenge, to talk about sex workers' rights because it always returns to the question: *is it legal or illegal* and whether we promote sex work if we explicitly mention if we protect sex workers' rights. (emphasis added)
(Jelena)

Again, we can see how the protection of sex workers' rights and the denial of sex workers' rights is considered to be associated with the illegality of sex work and thus people involved in the activity are not considered deserving of rights, protection nor recognition. The experiences of sex workers and their political advocates are shaped by the informalisation of sex work. The arrangements of the political economy of sex work makes it difficult for advocates to put sex workers' rights on the political agenda without it being criticised and simply written off as illegal.

Furthermore, when advocating for sex workers' rights, Jelena argues that there is an idea that a person's illegal behaviour ought to strip them of recognition and human rights. Jelena however argues that just "because something is illegal doesn't mean that people involved in this illegal activity don't have human rights and shouldn't be protected when there is a situation of violation of their rights". The position that Jelena criticises serves to exclude sex workers to be recognised in several policies, not only during the process to decriminalise sex work (discussed more in 3.2). Jelena explains that in the process of the ratification of the Istanbul convention which produced the Law on GBV, a legal team of SWAs (although no sex workers) were present in the working group to draft the law. In the article that addressed vulnerable groups of women, they advocated for the recognition of sex workers, who have been presented in research as especially vulnerable to violence. Jelena says

we had very long discussions with decision-makers and people from different institutions in the working group whether we should explicitly mention sex workers because we do not have sex work as a term in other laws. We do not have a law that recognises sex work.
(Jelena)

Successfully, *female* sex workers were, despite the struggle, explicitly mentioned in the article on vulnerable groups of women which serves to exemplify the successful resistance of such advocates (Position Paper, 2022). It will also hopefully ease the process of recognition in other laws. Of course, the law's enforcement is heavily criticised by the participants on multiple occasions, not least by women's rights organisations.

There is ongoing work to resist the formal exclusion of sex work as labour by the organisations that I met with. The interviews with sex workers and SWAs highlighted an alternative approach to the regulation of sex work: decriminalisation, seeing sex work as work. Nikolina, a SWA, argues that

our main goal and to have, it is based on human rights, it is a human rights based approach so first of all we need to protect and to protect the human rights of sex workers like to anyone in our country and to have health and social approach rather than repressive and legal approach. (Nikolina)

The protection of human rights is mostly associated with state protection. She perceives the current criminalising approach as repressive and not desirable. Nikolina emphasises the need to alter that perspective since such approaches may be harmful and result in discrimination and violence. Sex workers' experiences with state institutions confirm such repression from police as indicated in the quotes below.

if we're talking about police, they too have a very rough approach to dealing with sex workers, when sex workers go to report abuse, they immediately say things such as "you're all камењарки [slur for sex worker, the word itself means viper – snake type] (Jovana, sex worker)

TA: Well with the police it's a lot harder, they don't support us, they have caught us many times and they say that if they find us again in public places, they'll take us to the station... (Katarina, sex worker)

Violence by the police and harassments in hospitals constitute state violence against sex workers which serve to delegitimise state institutions and they are perceived by sex workers as institutions of violence against them, not as institutions for the protection of their rights. There is a clear lack of trust to the state institutions which further pushes sex workers to the margins of society and makes any relationship to state institutions difficult.

When discussing discrimination, the character of the work itself, as informal, illegal work is the most visible form of political exclusion. The character of the work in and of itself is thus perceived as a challenge in the recognition of sex workers' human rights. which is used to legitimise the political exclusion of sex workers and their advocates (and the discrimination they face in their everyday experiences with state institutions). The informality of the work and

the associated repressive approach serves to marginalise sex workers and prevent their visibility in public spaces.

3.1.1 Sex work as work

Sex workers have organised themselves in North Macedonia and during my stay an organisational position on sex work regulation was put together by the collective STAR where consultations with members concerning what regulation on sex work they would like to have, was conducted. Presented on March 3rd, 2022, the collective published the position where they declared that they demand decriminalisation and depenalisation of the activities involved in political economy of sex work to ensure the rights of sex workers (Position paper, 2022).

The differential effects of covid19 on informal workers has not been addressed properly by the state which again illustrate the institutional marginalisation of sex workers which Dejan, a SWA and former sex worker, clearly stated: “I would say that the labour rights of sex workers are not recognised as well. Because they are exposed to the labour market without right to enjoy their labour rights.” The exposure to the labour market seems important in defining who should be entitled to labour rights. Juliana described her experiences as a sex worker who has worked before and during the pandemic and she described her fear of both not being able to work but also of working and getting infected: as she would not afford the costs to be hospitalised. Juliana also emphasised the instability of the work being a factor to which she would rather work with something else: “I would actually change not to work this job anymore, I would like a house, meaning another job, any job, and I don’t want to be in the position I am in right now, I want to be more stable”. The quote above is referring to the unstable working conditions that the informal character of the work itself produces but which the pandemic has perpetuated. The irregularity of the work itself is being addressed as the problem as it creates instability especially in the context of the pandemic.

Sex workers have a desire to work in a more stable environment, especially considering the disproportionate consequences that the covid19 pandemic had on people in the informal sector (ILO, 2022). With the background of how Juliana perceives the informality of sex work to create disproportionate instability for sex workers, Jovana also highlighted another dimension of how not recognising sex work as work has ignored the differences between groups of women.

The government, the state, prepared 6 sets of measures, packs of measures, for how the nation should get out of the economic crisis, in those measures sex workers weren't put in as a distinct category, but were put in as women, practically they weren't taken into account as a different category but were in that particular group. (Jovana)

Jovana, being a sex worker herself, but speaking for sex workers in this regard, remains critical to not differentiate sex workers as a group with different abilities to access rights they are entitled to. She points to the structural barriers in accessing entitlements when the state does not address the difficulties that marginalised groups face: such as accessing the needed documents to receive the benefits which women with formal labour market can do. Different needs of different communities are not considered when addressing the public generally. Hence sex workers are presented with structural barriers that are not recognised nor considered when formulating packages to deliver positive human rights because sex workers are not recognised as a group.

3.2 Public and private conversations

Even before the position paper in March 2022 the work for decriminalisation began. The Informal Platform for Decriminalisation has had conversations to change the parts of the Criminal code and the Law against Misdemeanours to effectively remove the laws that target sex workers and other actors in the industry. Also, a pop-up dinner during 2020 was conducted where sex workers and relevant ministries sat down for a conversation (a great success according to the participants). However, a dissatisfaction with the current relationship to the Ministry of Justice and Internal Affairs compared to the Ministry of Health (relation to ministry of health is presented in 3.3) was prevalent in the conversations. A joint demand by the Informal Platform for Decriminalisation to decriminalise sex work was written to the Ministry of Justice. In response they received a letter where the ministry stated:

within its legal jurisdiction, according to the Law for Organisation and Work of State Governing Organs, is informing you that a workgroup for preparing a new Penal Code has reviewed the filed Suggestion-initiative for the decriminalisation of sex work, and states that changes in the Penal Code can be made only after reforming of the substantive laws, which govern the matter in this area, that aren't in the jurisdiction of our Ministry, but in the jurisdiction of other ministries, which would further imply changes in the Penal Code. (Appendix 2)

Nikolina expressed her response to such a statement:

They [politicians] are not very, when it comes to the decriminalisation of sex work, they are not very willing to make a public statement and declarations about the necessity of decriminalisation of sex work [...] in public, they are very conservative about giving their word that they will support the decriminalisation process [...] the official answer that we received from the ministry of justice about this process was that first we need to make a process for adopting a new law that will regulate sex work as itself and all the activities connected with providing sex work and then to start changes in the criminal code. Like they don't want to leave a gap which we don't think that there will be a gap but that was the official answer which we received from them. (Nikolina)

The letter and Nikolina's response indicate what has been addressed in the interviews: political disregard and difficulties to put the question of sex work on the *public* agenda. In the quote above the participant refers to the possibility to talk openly to the government about sex work. Participants have said that politicians' fear of repercussions from the public (Milena, a SWA) have been a reason for them not to discuss these topics openly. Hence, most of the conversations are held in private and sometimes they have privately articulated an agreement with the Informal Platform. Nikolina does however argue that politicians have on occasion addressed the recognition of sex work as work openly when "eight [...] parties amongst the biggest one, social democrats and conservative Christian democratic party we called them VMRO" (Nikolina) signed the declaration to decriminalise sex work before the governmental election in 2020. Since the election the process for decriminalisation "still haven't started" (Nikolina) since other issues have been prioritised. Hence there is a perception that the changes needed to happen are not allowed to be publicly discussed and when they are, the process is perceived to be slow and not a priority (Milena), demonstrating the perceived challenges with protecting sex workers' rights.

The quotes above signal that the participants find the politicians to be unwilling to discuss sex work openly and publicly even though they might privately support SWA's visions. Hence, there seem to be a difference between the private and the public relation to the ministries. The Ministry of Justice remains reluctant to discuss 'publicly' the topic even though there is not as much opposition in private. Also, Nikolina expresses a dissatisfaction with the response from the Ministry of Justice and there seems to be differing opinions on the needed adjustments in the legal framework. Politicians, bounded by the national opinion on sex work, remain reluctant

to discuss the topic publicly and openly. Any practical and public changes are difficult but private conversations are today not perceived to be as difficult.

3.3 Sex workers' sexual and reproductive health rights

Sex workers' sexual and reproductive rights in North Macedonia is primarily focused on HIV-prevention. The Global Fund previously financed CSOs to prevent HIV among this 'key population'. Sex workers are recognised as a key population in the prevention and CSOs for sex workers' rights and sex workers themselves are recognised as key in reaching the community (as brokers). Sex workers and SWAs are thus seen as partners in the implementation of the program for HIV-prevention and such a recognition seems to have created a good relationship between the CSOs and the Ministry of Health.

"I would say that there is a good relationship with the Ministry of Health. Especially, because the Ministry of Health enforces specific programs that the ministry is implementing, that is the program for the prevention of HIV, is one of the very few government official programs which recognises sex workers and implements interventions directed at sex workers" (Toni, a SWA)

The relationship between the CSOs (that are now in charge of the HIV prevention programme) and the Ministry of Health is, according to the participants, better now. This is due to the perception that the Ministry of Health has maintained a clear, ongoing and 'good relationship' to the CSOs and recognise their work to prevent HIV among this community. However, the topic of sexual and reproductive rights has produced an ambiguous perception towards the Ministry of Health. The themes (3.3.1 and 3.3.2) presented below demonstrate other dimensions of exclusion than the section on sex work as illegal and something which should not be discussed publicly since we see an explicit public recognition of sex workers in this regard.

3.3.1 Unsustainable funding

Every year we have a fight for that [funding] and we are in a *neisvesnot* [uncertainty] what we can get if the ministry can support us or not, the biggest challenge is because they give us money post-bate not pre-bate you know. We must keep the services and then they pay us but we have materials that we need like, condoms, lubricants, brochures and for drug users needle exchange, we must buy and then to give that. That is a big challenge with the Ministry

of Health every year. We want them to support us you know to be like a part of the republic of North Macedonia, to be established like a HIV-programme. (Milena)

But unfortunately, now the minister has changed and the whole process has stopped, and we will see which direction we will go with the new minister. (Jelena)

A recurring answer to the perceived relationship to the Ministry of Health, and other ministries, was that it depends on who is in charge. With the government changes during the year, the minister has changed and with the new minister the funding for the HIV prevention programme was cut with 40%.³ The decrease in the budget was presented at the end of my stay in Skopje and has remained (may 15th 2022) despite protests by several national and international CSOs who also demand structural changes to its funding to produce sustainability in the HIV-prevention programme and a predictable and reliable inclusion for, among others, sex workers.

Due to the cut, the CSOs are presented with a difficult situation where services have had to be cut and workers unpaid. All the semi-structural interviews were conducted before the cut, and even then, Toni highlighted funding to be one of the main challenges in the political advocacy for sex workers' rights. Hence, it is a current problem to provide funding for the services and activities needed to prevent the marginalisation of sex workers. The funding is also stringent upon the contemporary understandings of what sex workers need and what donors seem willing to provide for. Hence, the perception of sex workers as entitled to health rights or the perception of being a health problem to the general public also affects the way in which sex workers are included in this regard.

3.3.2 Health rights or health problem?

The treatment of sex workers by state institutions indicates the perception that the community is seen as a health problem and not only by the idea that sex workers are entitled to rights. The raid in 2008 exemplifies the state institutions' understandings of sex workers as a health problem to the public and not as subjects entitled to sexual and reproductive health rights (which would rather provide access to sex workers) which informs repressive approaches (for a critique see 3.1) and through control of sex workers. Jovana explains what happened in 2008.

³ Press release by European Aids Treatment group (March 30th 2022) "National response to HIV in North Macedonia is threatened by major budget cuts". <https://www.eatg.org/press-releases-and-statements/national-response-to-hiv-in-north-macedonia-is-threatened-by-major-budget-cuts/> (Accessed May 15th 2022).

“We even had a raid in 2008, when that government, the VMRO-DPMNE party made an attempt to eradicate street prostitution and sex workers were taken away, kept in brutal, inhuman conditions in the basements of the Bitpazar police station. There they didn’t get any help or care, and in the mornings were taken to the infectious disease ward and were forced to get tested for HIV-AIDS and hepatitis-C.”

The sex workers are treated as health problems to the sexual and reproductive health of the general population. This is an example of the state’s disregard for sex workers’ human rights (freedom) which is legitimised by the concept of sex work as a health problem and not as sex workers being entitled to the same sexual and reproductive rights as any other citizen.

Sex workers also seem to perceive a confinement of their rights to HIV-prevention, where Katarina signals a clear dissatisfaction with CSOs help where the community’s full range of rights are not met: “[T]hey [the relevant CSOs] just care enough to bring you condoms and then their work is done”. The emphasis on the handing out of condoms is symbolic for the HIV-prevention programme which is based on the supply of condoms to the community through CSOs who have access to the community. There are clear indications that the understanding of sex workers’ reproductive and health rights has been confined to HIV-prevention and due to the exclusion of other understandings of the community’s need in this respect the discourse on sex workers as a health problem to the general population has had immense lived effects, which the raid signals, for the participants interviewed. There is a sense of distrust and dissatisfaction towards the CSOs in this regard. Important to highlight here is that the relevant CSOs themselves do not formulate sex workers as a health problem but rather argues for their right to sexual and reproductive health services, among other rights. But the limited existing services for sex workers make them perceive the CSOs for only being interested in handing out condoms. Thus, sex workers’ dissatisfaction with the CSOs’ services is evident.

3.4 Exclusion from women’s rights organisations

There is a clear perception that women’s rights organisations are unaware of sex workers’ rights and exclude their perspective and alternative understandings of sex work as voluntary labour. Hence SWAs point to a dual fight when defining sex workers rights as women’s rights.

If you are a feminist, you fight for trans women as well and sex workers as well and if you have to say it out loud it gives validation to other groups that exclude these women and that is why.

Maria, an activist for a feminist platform in North Macedonia, argues that feminism by default should include all women and not doing so should not be described as feminism. Jelena also perceives the “two groups of activists and movements [sex worker activists and women’s rights organisations] together...” but in practice she sees “a very small number of women’s rights organisations that actively support sex workers’ rights”. Hence, there is an explicit desire to be part of the women’s rights movement as well as other marginalised human rights movements due to the shared inequalities they face. Or rather, there is a desire to be recognised within the gender equality movement.

There is not an active resistance towards feminism per se but there is a desire to redefine feminism and gender equality by addressing the subjects that such movements claim to speak for. SWAs’ everyday experience is thus highly influenced by women’s rights organisations practical denial of sex work as work since it makes the fight for inclusion more difficult. But concerning women’s rights there is an understanding that the European Women’s lobby and its associated national coordinates and partner organisations are a threat to their work and will become more so upon accession to the EU. The European women’s lobby is a European women’s rights umbrella organisation created with the European Commission’s financial support. It has national coordination in all EU member states as well as in North Macedonia as one of three candidate countries (Lafon, 2018:155). On the question of how advocates feel about the EU accession process in relation to their work, Nikolina argues that it will “be delicate work, complicate work if I can say but we are ready for our battles...”. There is an evident division between the participants’ views concerning this point where some argue that the EU institutions are not accessible to sex workers and its perceived focus on trafficking is harmful, while others argue that the EU institutions might provide a forum to conduct a human rights-based approach and it will open funding opportunities. Milena argues that the information about sex work in general is limited as well as the information about the consequences of criminalising sex work in North Macedonia. There is an apparent conflation between human trafficking and sex work which serves misunderstandings and results in harmful policies of exclusion.

The exclusion of sex work within the discussions on gender equality also presents difficulties for funding certain projects. In certain respects, there is a lack of demanded funding from the EU for sex workers.

You know, that was only project a little one from the European Union and it is the same to get some funds from the European Union that will be something like gender based violence or domestic violence or prevention. (Milena)

I noticed a dissatisfaction in Milena's answer about the EU accession process and the available funding and when I asked what she would rather get funding for she said:

I think maybe in this time that we have activities for the street and for the community. Maybe like trainers, trainings for the community which will be two or three days where they can be together or to talk about their problems. Because we need strong community now if we want to do some changes in the political level it is very important to have sex workers with us not only us to talk about in the name of the sex workers. (Milena)

Empowerment activities to be able to advocate for themselves seems to not be funded by the same extent as *like gender based violence or domestic violence or prevention*. The ability of the organisations to conduct the work they see as most needed seem stringent upon what they can receive funding for (discussed more in 4. Analysis).

3.5 Unequal power relations

There are continuous programs conducted to empower the sex worker community for specifically two reasons. The first one being the importance of the community to recognise their own rights and the violations they face to prevent normalisation and the second because the advocacy for sex workers' rights becomes more legitimate when the demands come from the community itself and not from solely advocates (strategically). However, the participants point to issues concerning the concept of empowerment which relate to sex workers' limited power to claim their rights, even when they recognise violation. Here, empowerment is defined by the participants.

Toni says that empowerment is when

[the sex worker community] understand their rights. They understand that they have certain rights that are, which are, which they have by the laws, by the constitutions and they're

starting to understand the mechanisms that can protect these rights or where they can ask for these rights. (Toni)

Hence it is the understanding of one's human rights where one can recognise when they are violated, but also an understanding of how to claim such rights, where, and how to report when a violation occurs.

Jovana, exemplifies how empowerment, as Toni defines it, has let her to fight for her rights as a sex worker.

Something which happened to me was, a policeman came and used my services at my apartment, and when we finished he took out his badge and demanded his money back. In that moment, because I'm brave and because I am aware of my human rights I said to him that I could lock the door in that moment, call the police and report that you're abusing your official duty. (Jovana)

Jovana's example above illustrates the importance of being aware of one's rights in the context of meeting a client. Understanding one's rights can enable the protection of oneself when conducting sexual labour. Hence it can alter the power the sex worker has vis a vis the clients, in this case, a police officer. Shifting such power relations is premised on the *awareness* of one's rights.

The limit to such an awareness is presented when there is a discrepancy between the extent to which the community are aware of their rights and the state institutions' ability/willingness to protect such rights. Within this space, distrust and fear are seemed to be produced. With the gap between institutions and sex workers concerning the power relations, the problem of empowerment programmes is brought forward. Milena, an advocate and social worker highlighted this unequal power relation in terms of a dilemma in her work for sex workers' rights.

I think that's a lot of the sex workers are victims of gender based violence. Maybe sometimes they don't recognise that, we are working on that to recognise that but I think some of them are. It's so normal, so normal to be victim of gender based violence I mean they can see that they are silent sometimes we have dilemma: to explain or not to explain. It is better to explain that you are a victim, because what you can do with that? No one is caring about you, that you are a victim... (Milena)

The participants highlight the problems of being empowered or empowering when being within a structure that does not meet the demands of the population. She points to the difficult dilemma which the organisations face due to the limited power of sex workers to claim their rights and SWAs to help even when they see violation and know how to report and where because there is a legitimate fear to not be heard, listened to, and be disregarded. Hence, one perceives the political exclusion of sex work as producing structural barriers to access such rights. Hence, Milena perceives the issue to be about the institutional response which show the restrictions to enabling the sex worker community to be aware, *because what can you do with that?* Milena is evidently expressing a sense of powerlessness in the fight for sex workers' rights.

When sex workers report any violence or injustice done to them by themselves, they may easily be disregarded while SWAs are seen to have greater legitimacy. However, if the organisations accompany sex workers, then the institutions will recognise them as sex workers which might make the process more difficult than when not being recognised as a sex worker. It is important to understand the confinements of empowerment programs since when implemented in isolation to resistance to these structural inequalities will generate limited effects and present as difficulties in the organisation's everyday work as well as being presented as a difficult dilemma where the awareness of one's rights might even create a greater distrust or frustration when institutions do not act accordingly.

Ljiljana, a sex worker, emphasised the structural barriers that exist for her to claim her rights. She emphasises poverty as the main reason to why she has chosen to work as a sex worker on occasions. She also argues that the organisations that are supposed to help, don't. She thus expresses a similar sense of powerlessness or indifference to the status quo.

These days, do you know why there are sex workers? From suffering? From happiness? Because you're well off? It happens because of poverty... (Ljiljana)

I had to go to get welfare, so I went to the place where they do that, you know welfare is when you don't have money [...] They said they needed my birth certificate and other documents, and they said I should get them, when they should come here like you two and help us that way. But they don't help, *that's the way it is*. I'm telling you even for (name) it's not fair. (Ljiljana) (emphasis added)

There is an explicit frustration with the system since the documents acquired are not easy for some sex workers to acquire as they may face poverty, statelessness, homelessness etc. Hence,

they find a struggle to get the welfare available, they are systemically excluded from the existing safety nets that do exist. Interestingly, the main frustration is mostly directed towards the organisations and not the state institutions in question. Important to highlight here is that the organisations are themselves confined to the political system and their help is dependent on the funding they receive, and the structures they find themselves within, as expressed by Milena's sense of powerlessness. Hence, they are not able to deliver the services that are demanded by the community but rather what, and how much that is considered necessary by donors (see 3.3). Sex workers are thus frustrated with the systemic exclusion and the everyday discriminations, but these frustrations are not only directed towards state institutions but also towards the organisations that have claimed to provide services for them. A relationship of distrust between sex workers and the organisations is hence prevalent.

4. Analysis

The empirical results will be analysed using a post structural feminist theory with a social practice approach. The results presented several themes that have previously been highlighted and theorised upon, but it also emphasises other dimensions that might be particular to the context of sex workers' resistance in North Macedonia. The results highlighted several examples of how sex workers and SWAs in North Macedonia perceive the political exclusion of sex work and exemplifies how such exclusion affects their everyday experiences.

4.1 Dehumanisation

Firstly, the perceived disregard of sex workers' human rights was predicated upon the illegality of the work. The results emphasise how SWAs struggle in several ways to be heard in political decision-making forums. Hence, the agency of sex workers and SWAs is embedded within political structures that silences their voices (Ortner, 1996). The illegality of sex work seems to legitimise the silencing of sex workers' needs and wants in North Macedonia. The illegality of sex work constructs the sex worker as a subject outside the law and deprives their protection from human rights infringements (Kapur, 2012 & 2015; Butler, 2004). The dichotomy between legal and illegal effectively dehumanises sex workers in North Macedonia. As recognised by the advocates, political discussions on sex workers rights are often disregarded since people involved in illegal activity are not considered being able to experience human rights infringements (Kapur, 2015; Butler, 2004). Hence, recognising sex workers and representing sex workers becomes considered irrelevant and insignificant. Decriminalising sex work could

thus ease exclusion that is premised on such a dichotomy. There is also a perception that the illegality justifies discrimination and violence against sex workers by state institutions, the public as well as clients. SWAs and sex workers therefore emphasise more the illegality of sex work than male demand as the issue to be confronted in the fight for sex workers' inclusion. However, the illegality is not the only difficulty experienced by sex workers and SWAs in North Macedonia, which demonstrates the importance of addressing sex workers' full range of human rights, including social and economic rights through socio-economic reform to effectively include sex workers, something that only decriminalisation cannot address (O'Connell Davidson, 1998:189).

The ability of SWAs to shape and redefine the discourse in North Macedonia on sex work is influenced by not recognising sex work as work and constantly being unable to have such a conversation in public. Sex workers' ability to shape and redefine the discourse in North Macedonia around sex work is correlated to the idea of sex work as being pushed aside, becoming invisible in public discussions. Hence, the invisibility and illegality of the work both seem to define what can be discussed publicly in North Macedonia and makes it difficult for sex workers and SWAs to take part in the political debate and be listened to (Fitzgerald & Freedman, 2021; Goodyear & Auger, 2013). The results show that their experiences are predicated upon the social and political context particular to North Macedonia. As West (2000) has argued, the ability of sex workers to organise themselves depend on how sex work is perceived in the context studied. The context also defines in what light it can be publicly discussed (as a social problem or as work). As presented in the results sex workers in North Macedonia are recognised when discussing sexual and reproductive health rights and female sex workers are recognised as a vulnerable group of women. Hence, this is presented to be the area in which sex workers are recognised, but not without problems. When recognised, the results show that there are ambiguous effects from such visibility. Funding is seemingly unsustainable as well as not accountable to the community. This has also created frustration and dissatisfaction to SWA's work.

4.2 Dual fight

A dimension that was very much discussed in previous research is the exclusion of sex workers' and SWAs' opinions within the women's rights, or feminist movement (Kempadoo et.al, 2012; Kempadoo, 2005; Kempadoo, 1999; FitzGerald & Freedman, 2020; Goodyear & Auger, 2013).

The results identify the ways in which sex workers and SWAs in North Macedonia want to be included under the realm of a fight for gender equality, but there is an evident struggle to convince women's rights organisations to abandon essentialised gender dichotomies which has further entrenched SWAs and sex workers' exclusion, even within a political space that advocates for gender equality and justice. Of special interest is the emphasis on the European Women's lobby and their coordinates which are perceived as a possible difficulty for SWAs in North Macedonia upon accession in the EU. Hence, in this study, we see the localised and practical consequences in North Macedonia of sex workers' exclusion where there is a perceived battle to convince both the state and women's rights organisations to hear the voices and opinions of sex workers in matters on the sex industry. The results also indicate that there is more a lack of understanding or knowledge about sex work in women's rights organisations in North Macedonia rather than an intentional exclusion of sex workers. Nevertheless, the struggles remain and perpetuate the difficulties faced by sex workers and SWAs in North Macedonia. Hence, neo-abolitionist feminism and its ability to monopolise and co-opt women's rights rhetoric to exclude sex workers (Eisenstein, 2007; Fitzgerald & Freedman, 2021; Levy-Aronovic et.al, 2020) has made it more difficult for SWAs to conduct their work in North Macedonia since they need to conduct a dual struggle to convince both state institutions and to inform, teach and convince women's rights organisations that voluntary sex workers exist and need to be listened to and recognised in the fight for gender equality.

4.3 Power and powerlessness

SWAs perceive the relationship to the Ministry of Health as very good comparably to other institutions. Sex work has been a topic discussed within the context of public health internationally and hence, this opens a possibility for sex workers to shape the discourse on sex workers' sexual and reproductive health rights (Kotiswaran, 2011; Goodyear & Auger, 2013). In this regard they seem to have a legitimate position in the programme to prevent HIV and hence, the everyday work to do such is perceived effective but the results also demonstrate issues with such inclusion. There is a discrepancy with what sex workers in North Macedonia want and what is given to them because a top-down understanding of their needs is coupled with the lack of power in redefining the needs of the community. The perspective of the state as a security guarantor in the protection of sex workers through partial or full criminalisation of the sex industry to protect women from the commodification of their bodies (Pateman, 1999) is presented to be detached from the realities of sex workers in North Macedonia (O'Connell

Davidson, 1998:65). Sex workers in North Macedonia, where sex work is illegal, do not perceive the police as protecting their rights but rather as an institution that cannot be trusted. By studying sex workers' perceptions of the political exclusion of sex work, the framing of sex work as an issue of criminal justice is problematised. The study demonstrates the importance of including sex workers in political decision-making processes who are the subjects most affected by of the criminal justice policies created.

Post structural feminists have previously demonstrated that inclusion of the subaltern and marginalised are included only when remaining within essentialised gender roles (Eisenstein, 2007: chapter 5; Runyan, 2019) which illuminates the ways in which sex workers and SWAs in North Macedonia are only 'let in' when the topic may be within the sphere of what can be conceptualised and discussed publicly, as a health problem and/or as victims (Eisenstein, 2007; FitzGerald & Freedman, 2021). This inclusion is precarious in the way illustrated by unsustainable and unpredictable funding detached from the realities of sex workers. Hence, the empirical results may demonstrate that we need to further theorise on needed power shifts to effectively include sex workers and SWAs in the political debate. This is evident by the perceived powerlessness of SWAs ability to empower the community. Further grounded research on sex workers full range of demands needs to be done. This study, with a focus on political exclusion and relationships to state and political institutions in North Macedonia has however, presented several demands and frustrations with the current political exclusion and the effects thereof.

5. Conclusion

The research questions that have been answered in this study are:

How do sex workers and sex workers' rights advocates (SWAs) in North Macedonia perceive the political exclusion of sex work?

How does the political exclusion of sex work in North Macedonia affect the everyday experiences of sex workers and SWAs?

The study has presented several concerns considering the political exclusion of sex work in North Macedonia. The political exclusion of sex work in North Macedonia is explicitly seen

by the illegality of the work. The illegality of the work seems to dehumanise sex workers and makes the advocacy for sex workers' rights in political spaces in North Macedonia difficult. Recognising sex work as work seems to be crucial to include sex workers in political decision-making. However, such discussions are still difficult to have publicly. Sex work as illegal and invisible seem to constrain, delay, and inhibit the work of the SWAs and their relationships to the relevant ministries and state institutions.

In some respects, sex workers are perceived to be recognised but only in the sphere of sexual and reproductive rights and as victims of GBV. Such recognition has eased the relationship between the Ministry of Health and SWAs, but it has simultaneously illuminated that the relationship is perceived to be unsustainable. There also appears to be a discrepancy between the multiple, various, and differential needs of sex workers compared to the services they receive. The study also showed how SWAs face a struggle to convince both feminist civil society actors as well as politicians to decriminalise sex work. Hence, sex workers face barriers to claim their rights as SWAs face barriers to advocate for such rights in North Macedonia in which a sense of powerlessness is evident in the results. The study illustrates the consequences of the simplistic and exclusionary discourses on sex work as well as trafficking that serve the dehumanisation and the blindness toward differences between women's experiences in the sex industry which has produced exclusionary policies. Such blindness also seems to further push sex workers and sex workers' rights advocates in North Macedonia to the margins of political space where political advocacy for sex workers becomes difficult, and under prioritised. Where successes of inclusion have been made, the funding for sex workers' rights is perceived to be unsustainable and problems of accountability to the sex worker community are evident.

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7. Appendices

7.1 Appendix 1: List of participants

Pseudonym	Role	Interpreter present
Dejan	Former sex worker and SWA	No
Toni	SWA	No
Jelena	SWA	No
Jovana	Sex worker and SWA	Yes
Maria	Working at a women's rights organization (WRO)	No
Viktorija	Working at a WRO	No
Nikolina	SWA	No
Katarina	Sex worker	Yes
Ljiljana	Sex worker	Yes
Juliana	Sex worker	Yes
Milena	SWA	No
Saša	Working at a WRO, previously SWA	Yes
Eva	Sex worker	Yes
Dijana	SWA	No
Mira	WRO	No

7.2 Appendix 2: Letter from the Ministry of Justice (unofficial translation by interpreter)

Ministry of Justice

Judiciary sector

TO ASSOCIATION HOPS – Options for Healthy Life Skopje

S K O P J E

OBJECT: Report

To whom it may concern,

Within its legal jurisdiction, the Ministry of Justice has reviewed your Suggestion-initiative filed alongside the call from the General Secretariat of the Government of the Republic of North Macedonia, to have the civil sector participate in the process of creating policies, with the aim of contributing to the preparations of the Annual Program of Government Work in the Republic of Macedonia for 2022, with the initiative of Association HOPS Skopje in the name of the informal Platform for Decriminalisation of Sex Work which consists of many organisations and supporters, asks for the decriminalisation of sex work and sex workers through changes in the Penal Code (article 191), Law for violating public peace and order (article 20 19) and adopting a new law which regulates sex work.

The Ministry of Justice, within its legal jurisdiction, according to the Law for Organisation and Work of State Governing Organs, is informing you that a workgroup for preparing a new Penal Code has reviewed the filed Suggestion-initiative for the decriminalisation of sex work, and states that changes in the Penal Code can be made only after reforming of the substantive laws, which govern the matter in this area, that aren't in the jurisdiction of our Ministry, but in the jurisdiction of other ministries, which would further imply changes in the Penal Code.

Respectfully,