Migration and Sex Work

In the past few decades, the number of migrant workers who sell sexual services has increased rapidly in Europe—some estimates suggesting that they greatly outnumber Europeans. These migrant women, transgenders and men come to Europe from all over the world and are found working in the many jobs available within the European sex industry. Media coverage usually refers to these migrants in sensationalistic reporting on ‘trafficking’ and sexual slavery, and both media and government reports tend to refer to these migrants as a) unwanted, undocumented residents in Europe or b) victims with no autonomy who need protection (often in the form of being helped to return to their countries of origin, ie, deported. Negative media and politically-motivated images also imply that migrants are responsible for the transmission of sexual diseases. Usually, only images of migrants who work outdoors are disseminated, contributing to the mistaken perception that they only work in the streets and are solely responsible for the disorder and mess many communities complain of.

On another front, European-citizen sex workers blame migrants for ruining commercial-sex markets by accepting bad working conditions and undercutting the prices of established (European) workers.

Finally, clients and employers frequently consider migrants’ cultures and sexualities in racist terms, expect them to behave in preconceived ways and may become aggressive when these prove wrong.

Research from all over Europe reveals a far more diverse and complex reality amongst migrants than these stereotypes suggest, most importantly on the degree of autonomy with which they travelled and got into sex work.¹ It is clear that the majority of migrants come to Europe in search of a better future for themselves and their families, sometimes for purely economic reasons but also fleeing from oppressive situations (forced marriages, violent relationships, homophobia) and longing for more personal freedom. This is particularly true for many transgender migrants who suffer discrimination and marginalisation in their home countries. But this more complicated evidence tends to be ignored in public debates, which concentrate on the most violent experiences suffered by migrants, who also do not attend these events and so do not have the opportunity to tell their stories.

Research does not demonstrate that migrants are more prone to unsafe-sex practices. The issue of competition in sex markets, however, is one that needs to be addressed among all workers, since it is obvious that migrants coming from poorer countries, under pressure to pay back debts and in fear of being thrown out at any moment may well request lower fees for sex than established Europeans. As long as migrants feel they are under constant fire and socially excluded, they may not feel they can benefit from asking for higher prices charged by those who enjoy security (and possibly losing clients).

The dominant and stereotypical imagery on migrants who sell sex greatly influences how present prostitution policies are conceived. For instance, current Dutch legislation

¹ Some of these studies are framed as ‘trafficking’ but most as migration and pre-migration: Altink 1995; Cuanter 1998; Polanía and Claasen 1998; Kennedy and Nicotri 1999; Bueno 1999; Lahhabi and Rodríguez 2000; Bonelli et al 2001; Agustín 2001; Mai 2001; Pisano 2002; Cabiria 2002; Gülçür and İlkkaracan 2002; Danna 2003; Carchedi et al 2003; Corso and Trifirò 2003; Riopedre 2003; Oso 2003; Likiniano 2003; Andrijasevic 2003; Zimmerman et al 2003; Cooper et al 2004; Ward et al 2004; Pisicitelli 2004; Cabezas 2004; Unal 2004; Crowhurst ; Janssen 2005; Ribeiro and Sacramento 2005.
allows European citizens to do sex work legally, while non-Europeans may not receive a work permit for the sex sector (official justification being that if they could get work permits then they would be trafficked to Holland). The Dutch law, which was meant to improve the position of sex workers, thus helps only some of them.

The argument on trafficking is also used to justify ever more restrictive migration policy, which results in the creation of police files and deportations for migrants who sell sex, and leads to their further attempts to hide from authorities. The result of this kind of policy actually increases dangers for migrants by forcing them even further underground and loath to denounce abuses perpetrated on them.

Policies that position migrants negatively ignore the fact that employers in the sex industry favour this cheaper, ‘flexible’ labour—that which accepts poor working conditions. Furthermore, the desire of some clients to buy sex from those they find ‘exotic’ encourages employers to actively seek out workers of other cultures and physical types, and leads to common employment practices such as the three-week contract, which means migrants have to keep constantly on the move.

Many migrants come to Europe with the intention of staying only temporarily, but, given the significant amounts of money they can send back home, often stay much longer. Since they may not regularise their resident status based on sex work, they must live and work without legal protections. In some countries, they do not have access to any social services, although medical clinics and outreach projects often target their sexual health. In some countries, undocumented migrants are not granted the right to join public demonstrations or join formal associations. They are often mistreated by local police, who usually do not allow them, as ‘illegals’, to denounce abuse or exploitation. Since they also experience the language and culture barriers common to all migrants, they may become overly dependent on others to help them navigate daily life. Nevertheless, many of these migrants manage to work out ways of working and living and levels of social inclusion that are acceptable to them, and now form a significant under-class within migrants in Europe. Many travel continuously both within Europe and back and forth to and from their original home.

Possible proposals for change

According to international conventions, all people have the freedom to leave their countries of origin to look for work, but they do not enjoy the freedom to enter any other country. Instead, they must deal with local laws regulating migrant labour in every country. The following are demands that this conference could decide to make:

* The right to mobility, to enter and work legally in other countries, including in the sex industry. There would be two modes of gaining work permits: a) as employees of business owners and b) as freelance workers. This demand accepts that migrants are able to make an acceptable living in the sex industry precisely because Europeans are willing to pay them. This demand would also claim the right to be and spend time in public spaces, recognising that these belong to everyone.

* The recognition of sex businesses in official government accounting by European states. When businesses are recognised ‘formally’, they enter a process of regularisation in which permits to operate, inspections and basic health and safety conditions must be provided to workers. It can then be argued that those employed in businesses must be granted normal worker status, inserted into Social Security plans and other conditions that apply to European workers. This move also means that the state gains in taxes from the businesses, as well as from the workers. Most importantly,
the ILO in its in-depth analysis of the sex sector in Southeast Asia drew the conclusion that only by entering the businesses in government accounting—making them fully visible—can employees be protected.

* The recognition of those employed in sex businesses as workers. Judges in individual cases involving business owners who employ migrants have dictated sentences requiring them to put these workers on the Social Security rolls. The argument is that, whether the sector or work is recognised as ‘legal’ or not, employers have the duty to protect their work force. This move may necessitate the creation of a new category of work or worker for inscription in government lists; this category could be called ‘personal services’, to avoid stigmatising terms.

* Support from recognised trade unions. In some countries, unions have recognised the incoherence of the existence of a highly lucrative sex sector without any acknowledgement of those who work in it. This incoherence applies as well to European workers who are ignored by their own countries’ trade unions. Visible support from other workers and unions could encourage migrants to be more active politically.

* A campaign to change media representations of migrants who sell sex. This could be carried out by NGOs and others in solidarity with the situation of migrants.

* Application of international treaties permitting all people to demonstrate publicly and join associations.

* The right to information on services and laws that can protect migrants, regardless of their civil status.

* The right to use fundamental public services, to protection by police and to denounce violations of rights.