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Migration and Sex Work in Europe

Introduction

This book is about the ways in which current reconfiguration of the modes of governing in Europe are playing themselves out at the level of the subject and the impact they are having on individual experience of gender difference and sexuality. The topic through which I examine these transformations is that of ‘sex trafficking’, commonly understood as a process by means of which people are purposely recruited by use of force or deception for forced labour or exploitation in the sex sector. This book is, however, about more than ‘sex trafficking’. My argument is that experiences such as that of Liudmila described in the Preface offer insight into broader transformations of state sovereignty, labour markets and citizenship arising as consequences of globalisation and European enlargement. It is the aim of this book to explore the conditions under which ‘sex trafficking’ comes about and is sustained, and to make visible how these conditions are connected to broader spheres of social and political life in contemporary Europe.

In order to tackle these issues, the analysis I undertake is centred on the following questions: What is the relationship between processes of re-bordering in Europe, in particular with regard to the functioning of the European Union’s (EU) eastern borders and the confinement and exploitation of migrant labour in the sex sector? How has the discourse on ‘sex trafficking’ as a ‘modern slavery’ contributed to reinstalling the binary opposition between slavery and free waged labour, positing the former as characteristic of labour arrangements in non-democratic societies and the latter as typical of market relations in liberal democracies? What is the importance of gender and sexuality norms in whether migrants working
in the sex sector see themselves as workers and partake in collective mobilisations for sex workers’ rights?

For social libertarian feminists and activists for sex workers’ rights, abuses and exploitation in the sex industry can to a large extent be attributed to existing regulatory frameworks around prostitution specifically, but also around sexuality and mobility in general. The large variety of ways in which states regulate prostitution can be simplified into three major models. These are the prohibitionist model, which criminalises all prostitution-related activities; the abolitionist model, which does not penalise prostitution per se but does repress any economic exploitation of the prostitution by others; and finally the regulationist model, which recognises prostitution as a profession and a legitimate sphere of market activity. For the latter, states’ criminalisation of prostitution is seen as major reason why some sex workers work in exploitative, degrading or dangerous conditions, or suffer harassment from police and clients. As a way of improving prostitutes’ working conditions, minimising the level of violence and gaining access to employment and citizenship rights, this strand of feminism and sex workers’ activism advocates the legalisation of prostitution.

The Netherlands was the first country in Europe to legalise prostitution. In October 2000, the Dutch Parliament removed consensual adult prostitution from the criminal code, and acknowledged prostitution as a commercial activity subject to the same labour regulations and occupational guidelines as any other sector. Undocumented migrant sex workers, however, did not experience an improvement of their working conditions or gain entitlement to rights. Rather, the legalisation of prostitution resulted in undocumented migrant workers leaving the Netherlands or in them being pushed further underground when the ‘zones of tolerance’ within which they predominantly worked, were shut down by municipal authorities. The legalisation of prostitution did not, therefore, necessarily lessen the exploitation that workers experience in the sex sector or bring about in equal measure an improvement of prostitutes’ working lives. While the legal situation of undocumented migrant workers did not change with the legalisation of prostitution, what did change and is novel in the regulation of the sex sector is that the law drew a line between sex workers on the basis on their nationality. In legalising the work of EU nationals while keeping the work of non-EU nations illegal, the sex sector followed the larger pattern of opening up markets and labour in Europe to the EU citizens and severely restricting the labour mobility of non-EU citizens.

The causes of abuse and exploitation of migrants in the sex sector are commonly attributed to ‘traffickers’ or individual ‘evildoers’. In recent