

DEPORTATION AS RESCUE

How Danish Society Responds to the Figure of the Migrant Sex Worker.

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ABSTRACT:

This article interrogates the conceptualisation of the figure of the migrant sex worker in Danish society. Reflecting on laws, policies and public attitudes towards sex work in the European context, it considers the tangible impacts on the rights of migrants selling sex. Delving deeper into public political debates on sex work, it finds that within Danish society, the migrant sex worker is rarely conceptualised as a worker. Instead, she is predominantly perceived to be a victim. This keeps the figure of the migrant sex worker in the realm of the exceptional and justifies the use of deportation as ‘rescue’.

KEY WORDS: sex work, migration, deportation, prostitution, rescue.



Introduction

The number of individuals migrating to sell sex in Western Europe has continued to grow as mobility has increased (ICRSE 2016: 4). This growth rarely translates into legislative changes to facilitate safer migration or legal options to work in the sex industry (ibid.: 3). On the contrary, the European region has adopted stricter border controls and expanded their capacity for detention and deportation of migrant sex workers (ibid.: 5). Migrants, who are generally in irregular situations, constitute a significant portion of sex workers across Europe (TAMPEP 2009:16). They are deeply affected by repressive migration policies, misdirected responses to human trafficking and increasing trends towards criminalisation of both migration and sex work (ICRSE 2016: 4).

In this article, I interrogate how Danish society conceptualises and responds to the figure of the migrant sex worker. This figure is of great interest as it is a melting pot of societal attitudes towards sex, gender, migration, law enforcement, labour and human rights. Denmark is internationally perceived as liberal, feminist and progressive (Mac & Smith 2018: 141) - especially in regard to workers' rights. However, the figure of the migrant sex worker has the potential to reveal a darker side of Danish society, one that is inherently repressive, misogynistic and xenophobic, whilst providing an insight that can direct sex workers' rights activists towards positive change. Throughout this article, I will interrogate discourses surrounding this figure. This is essential because mainstream discourses are 'powerful in shaping social policy' (Bjønness 2012: 197) and therefore the material conditions faced by migrant sex workers.

Terminology

Sex work: The sale or trade of consensual sexual services for a resource – money or goods (Mac & Smith 2018: 1). Sex work is an umbrella term for many types of work including online, stripping, and full-service sex work (ibid.).

Sex worker: An adult who receives ‘money or goods in exchange for the consensual provision of sexual services’ (Amnesty International 2016: 6). It is a politicised term, generally used when sex workers and their allies engage in political work (Grant 2014: 125). Within this article, the term sex worker includes individuals who sell consensual sex but might not personally identify with the term. The terms *prostitute* and *prostitution* will be used throughout, in order to be true to the language of the viewpoints discussed or to remain consistent with quotes.

Decriminalisation: A movement for the removal of criminalising measures targeted at or impacting sex workers and their ability to conduct their work safely (Amnesty International 2016: 5). It does not promote the decriminalisation of ‘human trafficking, forced labour or any other exploitative practices’ (ibid.).

Research Question and Approach

The research question is as follows: How does Danish society conceptualise and respond to the figure of the migrant sex worker?

Throughout this article, Danish society is considered through its prominent institutions, including the governing party, various public ministries and non-governmental organisations (NGO); its policies on sex work, work and migration; its media, including newspaper reports and online discussions; and its fields of academia, including sociological, anthropological and policy-based research. I do not intend to provide an overview of all initiatives associated with sex work in Denmark, or all elements of Danish society, however I strive to represent the key perspectives and significant positions within Danish society on the themes discussed.

This article is informed by a literature review, interviews with and public talks by organisations engaged in the field of sex worker support in Denmark, and my personal

experiences as a volunteer providing a safer workspace for migrant street-based sex workers in Vesterbro, Copenhagen. It is limited by its almost exclusive focus on female migrants, however, the majority of migrants who sell sex in Europe are female (TAMPEP 2009: 14) and information regarding male, transgender and non-binary sex workers is sparse. Generally, I focus on street- and brothel-based sex work. Information regarding EU citizens who participate in intra-European migration to sell sex is limited and often conflicting, therefore this article focuses on migrants from outside the EU and mainly those from outside of Europe.

Sex work in Denmark

When discussing the legality of sex work, it is important to consider that the criminalisation of sex work includes both laws directly targeting sex workers, and those that are used discriminatorily against sex workers to hinder what they do, such as bans on loitering (Amnesty International 2016: 5). Immigration laws that can be applied discriminatorily towards sex workers are also considered key components of the criminalisation of sex work (ibid.). Whilst it is currently legal to buy or sell sex in Denmark, provided that self-employment taxes are paid (Nielsen & Frandsen 2009: 106), the Danish approach to sex work is considered by some to be de-facto criminalised (Løvbjerg Hansen 2021). This is attributed to both the criminalisation of procurement and pimping, and the criminalisation of migration and trafficking. This criminalisation limits the work of Danish citizen sex-workers and has an even greater impact on migrant sex workers.

Academic knowledge about the sex industry is sparse and statistics regarding sex work in Denmark are highly contested (Bjønness & Spanger 2017: 159). The *Danish National Centre for Social Research* estimated that approximately 3,200 individuals worked in sex work in 2010; including 900 as escorts, 600 in clinics and 600 working on the streets (SIO & Gadejuristen 2012: 5). Unfortunately, the methodology for this data has been criticised (ibid.) and these figures have not been updated in recent years.

In 2008, TAMPEP reported that 65% of sex workers in Denmark were migrants (TAMPEP 2009: 22, 14). These workers were almost exclusively female (TAMPEP 2009(1): 14). The largest groups of migrant sex workers in Denmark migrate from outside of Europe, especially from Northeast Thailand and Southern Nigeria (Plambech 2021). It is common practice for migrant sex workers to pay middlemen to bring them to Denmark and to help them get established (Nielsen & Frandsen 2009: 116). In these cases, individuals arrive with significant debts to those who brought them to Denmark, which they have to pay back out of their profits from sex work (ibid.). Many are in Denmark on a tourist visa, meaning they are not connected to the Danish healthcare system and may not be informed about their rights in Denmark

(ibid.: 115). It is generally migrants who engage in sex work in its most visible form – street-based sex work (SIO & Gadejuristen 2012: 7). Discussions about migrant sex workers tend to centre around the so-called *red-light district* near the central station in Copenhagen; however migrant sex workers work across Denmark (Plambech 2021). Some also work indoors in brothels (Kofod et al. 2011).

The situation for migrant sex workers in Denmark must be understood within the wider Danish context. Reporting to the United Nations in 2016, *The Committee on the Elimination of Racial Discrimination* expressed concern at:

reports that persons belonging to minority groups and non-citizens, particularly nonnationals of European Union countries, faced structural discrimination in Denmark regarding access to employment, housing, health services, quality education and access to justice (United Nations 2016: 8).

They also raised concerns about persistent racial profiling and ‘the increase in xenophobia, political propaganda targeting non-citizens and racist publications in the media’ (ibid.).

Generally, there are two consequences for non-EU migrant sex workers in Denmark if they engage with the authorities; they are criminalised or registered as trafficked. As it is not possible for these workers to attain a work permit, they can easily fall into the category of criminal in the eyes of the Danish state. The consequences of being criminalised come in many forms, for example, if a sex worker is arrested on the streets or in a brothel they may be:

fined 3,000 kr., charged with illegal work and given a warning to leave the country. This increases their vulnerability, and not only stigmatises and marginalises them, but also means that in order for them to make enough money to leave the country, they have to do more sex work. (Mildwater 2021)

It is also possible for these individuals to have their documents removed, receive a two-year ban from Denmark, and incur more debt from court procedures if they are detained in prison prior to their deportation (ibid.). These issues are even more pressing as the requirements for obtaining Danish citizenship have tightened, so that no one with a conditional or unconditional prison sentence can apply for citizenship, and individuals applying for a Danish passport must have been in recognised employment for at least three and a half years out of the most recent four (Rørsig & Nielsen 2021). Furthermore, these issues have been exacerbated by COVID-19. More individuals are at risk of persecution for overstaying their tourist visa because they have not been able to travel out of the country due to intensified

border controls or a lack of income as a result of limitations on sex work (Mildwater 2021). All of this deters migrant sex workers from reporting crimes to the police.

In some cases, if an individual is caught by the police without legal documentation, then they will be arrested and not allowed to go free; ‘the only way that you will be released is if you are defined as trafficked’ (ibid.). The process of being identified as trafficked in Denmark is almost always the result of being arrested by the police which ‘may result in a potential victim of human trafficking being treated as a criminal and not as a person whose human rights have been violated’ (KFUKs Social Arbejde n.d.). Løvbjerg Hansen (2021) argues that ‘there is no incentive to be identified as trafficked in Denmark because the end point is always deportation’. However, she also explains that if an undocumented sex worker is arrested, ‘the only way to get out of the situation is to go with the trafficking narrative’ (ibid.). It is unclear what the incentives are to being identified as a victim of trafficking beyond avoiding certain consequences of criminalisation. Denmark differs from other countries in the EU, because its primary focus for victims of trafficking is on repatriation and immigration control (KFUKs Social Arbejde n.d.). According to the government’s *Action Plan to Combat Trafficking in Human Beings 2019-21*, ‘Foreigners who have come to Denmark as victims of human trafficking, and who reside in this country on an illegal basis, must depart from the country’ (Udenrigsministeriet 2018: 12). This departure occurs through so-called *prepared repatriation* to their origin country or to the EU Member State where they registered under *The Dublin Regulation* (ibid.).

This repatriation, or deportation, is conceptualised by the Ministry of Foreign Affairs as a way to help victims to ‘live a life free of human trafficking’ (ibid.: 15). The *departure deadline* for those identified as victims of trafficking is 30 days, within which they should have a *reflection period* to prepare for their journey home and have ‘peace of mind to recover from exploitation’ (Center mod Menneskehandel 2019). However, KFUKs Social Arbejde (KFUKSA) have observed that ‘the reflection period is not attractive to most victims. They want to travel immediately when they are still not offered witness protection or legal residence’ (KFUKs Social Arbejde n.d.).

The intimate relationship between strict immigration controls and the situation faced by registered victims of trafficking is clear. The responsibilities of planning *prepared repatriation* fall under the Ministry of Immigration and Integration Affairs (Udenrigsministeriet 2018: 22). It is possible for identified victims of trafficking to apply for asylum in Denmark, however being approved is near impossible. According to KFUKSA, ‘very few victims of human trafficking are granted asylum. There were only 8 victims of human trafficking who were granted asylum in Denmark in the period 2007-2012’ (KFUKs Social Arbejde n.d.).

The figure of the migrant sex worker

Identifying the figure of the migrant sex worker is not merely an empirical exercise, rather it is a ‘process of social construction’ (Ham 2016: 9) shaped by understandings of gender, sexuality, migration status, race, work status and class (ibid.).

Gender

It is significant that the figure is commonly conceptualised as cisgender and female. The gendered nature of this conceptualisation may be rooted in historical understandings of sex work as women’s work (Agustín 2007: 19). The *International Committee on the Rights of Sex Workers in Europe* (ICRSE) argue that current conceptualisations reinforce ‘heteronormative expectations about gender according to which women are ‘naturally’ sexual objects and victims lacking agency’ (ICSRE 2016: 26) rather than travellers, workers and providers (ibid.). Ham argues that:

Within this terrain of gender, mobility and sexuality, the figure of the ‘migrant sex worker’ is perhaps the archetypal example of the risks of women’s migration, both for the woman herself and the state. (Ham 2016: 9)

This gendered conceptualisation leaves little space to recognise other demographics of sex workers who migrate, which diminishes discussions of their experiences. Whilst migrant sex workers tend to be conceptualised as cisgender females, sex workers still face judgement and stigma for ‘being seen to transgress social or sexual norms and/or gender stereotypes on the basis of their participation in sex work’ (Amnesty International 2016(1): 2).

Migration and race

The figure is perhaps most prominent in anti-trafficking narratives (Ham 2016: 10). Ham reflects that there are two categories within these narratives: one that represents the weakness and passivity of racialised sex workers as victims of trafficking, the other that consider the ‘illegal’ migrant as an agentic, foreign, criminalised threat (ibid.: 70). Within these narratives, prostitution tends to be represented as self-evidently irrational, and therefore sex workers and their advocates are placed ‘outside the category of rational citizens’ (Bjønness 2012: 197).

Stemming from these narratives, Agustín recognises a prolific *rescue industry* within which sex workers are inevitably characterised as victims, whilst social agents, such as NGO employees,

policy makers and social workers, are positioned to save them (Agustín 2007: 5-7). This industry can be viewed through a post-colonial lens, through which modern missions to save prostitutes mirror efforts to adopt a maternalistic tradition designed ‘to rescue non-European and poorer women’ (ibid.: 7-8). Mac and Smith argue that those in the *rescue industry* can hide punitive measures behind ‘seemingly uncomplicated moral outrage’ (Mac and Smith 2018: 77). This allows for the justification of so-called *humanitarian return* for individuals who are assumed to have been transported for prostitution against their will (ibid.).

The figure has been shaped by migration and trafficking discourses developed in specific societies, some of whom share a history of colonialism, many of whom are influenced by racist discourses and policies. The application of the figure of the migrant sex worker is not limited to individuals who are, in reality, migrants engaged in sex work. Rather, it can affect racialised individuals in predominantly white societies (Ham 2016: 80). Grant argues that ‘laws against prostitution are used to target a class of people as whores whether or not they are selling sex’ (Grant 2014: 126-7).

For those who do engage in sex work, most of the public’s focus on racialised women in sex work is based on their assumed migration status, founded on considerations of social difference, rather than on their actual migration status (Ham 2016: 73). For example, Ham argues that in the sex industry in Australia and Canada, ‘there still remains a strong association or conflation between migration and race’ (ibid.). Expanding on this point, she considers that:

it may be that the sex industry magnifies what immigrants, migrants and racialised persons can experience in other industries or in society generally—that naturalised citizenship and belonging in historically White countries can remain precarious and constantly negotiated achievements. (Ham 2016: 80)

This emphasises the highly politicised nature of the figure of the migrant sex worker (ibid.: 71).

Visibility and work

The figure is also shaped and emphasised by the media. Mainstream media outlets frequently use abusive language when reporting on migrant sex workers, which lay the foundations for hostile public opinions (ICRSE 2016: 24). Agustín argues that amidst the sensationalism of migrants in both right- and left-wing media, migration is decried when it involves working in the sex industry (Agustín 2007: 4). The representation of sex workers in the media tends not to represent the idea that sex work is a form of labour that ‘makes sense in the material and

social conditions in which many women live' (Bjønness 2012: 195) rather sex workers are represented as irrational beings. When sex work is not considered to be work, especially not work that one would travel to strive in, then the migrant sex worker is not considered to be a labour migrant with agency. A public decrying of sex work and the urge to prevent migration for sex work is also adopted by 'sober authority figures' (Agustín 2007: 4).

The sensationalism and stigmatisation of sex work has been enhanced by COVID-19, as media attention on sex workers continuing to work throughout the pandemic has increased, and communities perceive sex workers 'as vectors for the spread of COVID-19' (Manuel 2020). This represents a shift in the conceptualisation of the figure to one that is even more precarious, vulnerable and dangerous.

In some instances, the migrant sex worker is ignored altogether. This is a prominent issue in academia, where an increased focus on female migration for service work, such as domestic and care work, has not resulted in a coordinated effort to understand migration for sex work (Agustín 2007: 4). Agustín argues that when those who migrate for sex work are considered in research, they tend not to be presented as multi-dimensional individuals with vast interests and desires (ibid.: 6). Additionally, Agustín recognises that the 'work of migrant women in Europe...is mostly excluded from government regulation and accounts, leaving these workers socially invisible' (ibid.: 8). This invisibility is also prevalent in mainstream feminist discourses. For example, when feminists claim that the *Swedish model* – which criminalises clients – decriminalises those who sell sex, they simply do not count 'the criminalisation or deportation of mostly Black migrant sex workers in Nordic countries' (Mac & Smith 2018: 175).

Within all of this, there is a concern that the conceptualisation of the figure ignores the material conditions faced by migrant sex workers. ICRSE argue that as migrant sex workers are pushed to the margins, especially of the legal labour market, they are increasingly at risk of harassment, violence and discrimination (ICRSE 2016: 14). If they are undocumented, they are also prone to workspace abuse and severe exploitation, and therefore have increased dependence on third parties who facilitate migratory projects (ibid.: 14-5). This dependence furthers their risk of exploitation (ibid.: 15). This invisibility and marginalisation exists in stark contrast with the day-to-day reality for migrant sex workers, who operate under increased surveillance and, for some, who engage in sex work's most visible form by working on the streets.

The figure of the migrant sex worker in Denmark

Victim versus agent

Bjønness and Spanger argue that within the debates on prostitution, the ‘Danish national contemporary discourse is based on generalizations and stereotypes, either taking as its reference point the “free, autonomous individual” or the “victim of violence.”’ (Bjønness & Spanger 2017: 157). In other words, the prostitute is conceptualised as an agent or a victim.

The division between organisations working with sex workers appears equally dichotomous. There is a clear split within the debates regarding prostitution in Danish society, with the participants divided into two fundamentally opposed groups (Nielsen & Frandsen 2009: 95). On one side, there are a few active sex workers’ rights organisations who conceptualise sex workers as having agency, and who tend to focus their efforts on gaining recognition of sex work as a ‘profession on equal footing with other professions’ (ibid.: 96). On the other side, there are the dominant ‘feminist’ organisations who generally conceptualise prostitution as ‘violence against women’ (ibid.: 95), and who tend to advocate for a ban on the sale of sex as a way to rescue women (ibid.: 96). The victim narrative remains particularly prevalent in the latter. These debates leave the public and authorities with limited knowledge on the realities of selling sex and individuals’ motives to engage in sex work (Bjønness & Spanger 2017: 163).

Sex workers in Denmark have a literal lack of agency because of their very limited influence on the policies that affect their lives, and due to the disproportionate presence of those in the *rescue industry* influencing policy spheres compared to those working for sex workers’ rights, or sex workers themselves. Perhaps this is a result of prevalent victimisation. Even within the sex workers’ rights movement, sex worker representation and leadership are sparse. For migrant sex workers, the opportunity to represent themselves in any discussions is undermined by their lack of residency status and the potential for their criminalisation. Therefore, within these debates, migrant sex workers must depend on individuals with securer statuses to represent their demands and needs. Ultimately, agency is given to the politicians and organisations who have fought to represent sex workers or who have struggled to establish themselves as best placed to help them (Bjønness & Spanger 2017: 157).

A significant lack of public representation of the different motives, experiences and needs of sex workers allows for ‘a hostile and polarized discourse’ (Bjønness 2012: 195). The language used by the main governing party, the Social Democratic Party (SDP), paints all sex workers as weak with physical and mental illness, regardless of their citizenship status. For example, Camilla Fabricius, Member of Parliament for the SDP, stated:

“We need to talk about that you get disc herniation from it [sex work]. Because of such forceful thrusts up through your spine when you are taken both vaginally and anally and orally for so many hours every day. You get hip luxation from having your hips spread out so much. When you are being penetrated anally so often - and apparently a lot of men want this - it damages your colon. And when you have intercourse with so many different people, it causes technical damage to your mucous membranes. This means they can no longer break down bacteria and then you become receptive to all sorts of diseases”. (Korsgaard 2019)

These claims have been widely criticised (Jørgensen & Stampe 2019), however they continue to reinforce the prominent social conceptualisation of sex workers as victims.

Victimisation encourages approaches that seek to rescue and protect those working in sex work. Bjonness argues that an oppression paradigm, where sex work is regarded as ‘an expression of male dominance and female objectification’ (Järvinen & Dyrvig Henriksen 2020: 2), permeates policy debates and public discourse around prostitution in Danish society (Bjonness 2012: 192). It does so by ‘constructing prostitutes as individual victims’ (ibid.), which reproduces the silencing of sex workers in these discourses (ibid.). In the mainstream Danish context, sex workers are seen as ‘victims of social or psychological maladjustment, needing protection, help and guidance’ (Oliveira et al. 2020: 6). Sex workers are not presented as rational beings and therefore it is easier for them to be dismissed as stakeholders in debates regarding prostitution. Regardless of whether these debates centre around street-based sex work, brothel work, or escorting, ‘prostitutes are construed as individual victims of a general social problem’ (Kofod 2018: 1). Bjonness argued that the groups attempting to challenge the victim narrative around prostitution are ‘either ignored by core institutional actors or are dismissed because its proponents do not have the right capital, who cannot be trusted as the representatives of all prostitutes’ (Bjonness 2012: 199). This argument still seems fitting a decade later.

Over time, there has been a ‘very dominant focus on trafficking’ (Nielsen & Frandsen 2009: 94) within the debates regarding prostitution in Denmark. Anti-trafficking narratives have been used to victimise sex workers and suppress sex workers’ rights. A recent example is the ban on advertisements for sex work and massage parlours in newspaper *Ekstra Bladet*, both in print and online. This decision was in response to heavy criticisms that ‘behind many of the ads are trafficked women who have been pressured or threatened to sell their bodies’ (Prakash & Scheel: 2021) and has been praised by Denmark’s oldest women’s organisation, NGO *Dansk Kvindesamfund* (ibid.). Within these narratives, migrant sex workers are all too often conflated with victims of human trafficking regardless of their circumstances.

Reflecting on why victimisation remains so prominent in mainstream politics and culture, Løvbjerg Hansen refers to whorephobia. She reminds us that it is:

so deeply rooted in everybody that this [sex work] is wrong and you have to take that into consideration when thinking about the political arguments, because it's so easy to want to save people. (Løvbjerg Hansen: 2021)

She argues that this culminates in an 'aggressive narrative saying that we need to rescue people' (ibid.). In the Danish context, 'rescue' takes the form of being registered as a victim of human trafficking. The rescue narrative continues to dominate whilst 'sex workers all over the world are asking for rights, not rescue' (ibid.).

Plambech (2021) discusses that migrant sex workers who are 'rescued' by the state tend not to want to be rescued. She explains that:

we often see that women don't want to stay in the crisis centres. They don't want to be rescued in the sense that they don't want to be taken away from the streets and not have the opportunity to work. (Plambech 2021)

She asserts that these issues will prevail until those with influence decide to understand the motives of those who move to Denmark to sell sex; only then can they begin to assist these women in a meaningful way (ibid.). Therefore, acknowledging some level of agency of migrant sex workers is essential for improving their provisions and reducing stigma. However, the question of agency holds a risk for migrant sex workers. In the current anti-immigrant climate, where migrants are often scapegoated and criminalised, acknowledging that individuals moved to Denmark knowing that they would sell sex without a work permit 'can really quickly be used as an argument to deport them' (Plambech 2021). This link between agency and criminalisation shows that, whilst sex workers are being discussed as agents as opposed to villains, that does not change the reality that undocumented migrant sex workers are villains in the eyes of the Danish state.

Within the Danish context, the difference between being perceived as a victim or being perceived as an agent equates to the difference between being registered as trafficked or being criminalised by the Danish state. I argue that this distinction is not worthy of too much focus, as both outcomes tend to result in detention and forced deportation.

Social problem versus labour

Sex work is continually treated as exceptional by the SDP and as something that cannot, and should not, be normalised. Across the political parties and the trade union movement, there is no clear evidence of a desire to shift towards acknowledging sex work as work, rather it continues to be conceptualised as a social problem (Bjønness 2012: 192). The suggested political solution to this social problem is *exit programmes*, which are, on paper, designed to enable prostitutes to leave the sex industry and to provide them ‘with opportunities to pursue a different way of life’ (Kofod 2018: 1). However, these programmes have been heavily criticised. They tend to be tailored towards street-based sex workers and ignore the heterogeneity of sex worker experiences (ibid.: 2). Accessing these programmes can be limited by a lack of anonymity (Mac & Smith 2018: 155-6). Sex workers have diverse reasons as to why they might avoid being registered on a state-funded programme, for example, they might fear that they will risk losing their child custody or increase their risk of deportation (ibid.). Despite being a core element of policies on prostitution, exit programmes have received limited academic attention (Kofod 2018: 2).

Whilst the Danish government prefers to focus on exit (Krag 2019), the debates as to whether sex work is a profession continue. Mildwater (2021) explains that sex work in Denmark is extremely contradictory:

it is work and it isn't work. It's work without the status and the protection that regulated work provides. Danish sex workers are obliged to pay taxes on their earnings; however, they do not reap the benefits of being officially recognised as a part of the workforce. If they try to mobilise and organise themselves, they must be vigilant not to be accused of pimping; which is when a third party reaps the benefits of a sex worker. Paradoxically, the considerable revenue harvested by the tax department [from sex workers' work], is permitted by the state. (Mildwater 2021)

Within this framework, the shift from unrecognised work to recognised work in the formal economy would have the potential to significantly improve conditions for Danish sex workers. This is especially the case in a country such as Denmark, which prides itself in its unions and its workers' rights. With the recognition of sex work as work, Danish sex workers could gain access to unions and significant worker protections such as sick pay and pension contributions. This would have an even greater impact in the context of the pandemic, which has pushed sex workers ‘to the brink of financial desperation’ (Manuel 2020).

However, it is difficult to say that officially acknowledging sex work as work would have any impact on migrant sex workers. The barriers to workers' rights for migrant sex workers are

already evident in places where sex work is recognised as work, such as the Netherlands and New Zealand – the first place to ‘fully decriminalise’ sex work - where existing sex workers’ rights are not accessible for migrants, and deportation remains a risk (ICRSE 2016: 14; NSW 2018: 6). When considering if progress in labour rights and conditions for Danish sex workers who pay taxes would have an effect on migrant sex workers, Mildwater explained:

It's a separate issue because the Danish legal system and laws pertaining to sex work are inflexible when it comes to foreign labour. Labour rights for Danish sex workers would still not protect migrant sex workers. This group would still risk being arrested, fined and imprisoned for illegal work. (Mildwater 2021)

Therefore, the issues for migrant sex workers are not linked directly to the status of sex work itself but more widely to labour opportunities and structures within migration systems. This is emphasised by Plambech, who argues that the conditions faced by migrant sex workers are a ‘question of labour, documents and migration’. She argues that becoming a sex worker is a question of work opportunities. For example, she has observed that the number of sex workers entering Denmark from Thailand has decreased as the employment situation has improved either in Thailand or the surrounding countries. Plambech highlights that we ‘have all of these different categories that this debate or discourse is circulating around and what is often left out is the question of the migrant woman as a worker’.

Criminalisation versus decriminalisation

Within the debates, Danish organisations and political parties generally are not advocating for criminalising the sex worker herself. However, there are organisations advocating for the implementation of the *Swedish model*. This model was not designed to improve conditions for migrant sex workers in the first place; it was designed to deter them (Kulick 2003: 200), and its implementation would have serious implications for their work in Denmark. Løvbjerg Hansen states that there has ‘been a lot of talk about criminalising clients, and what we know is that criminalising the client has a lot of the same risks as criminalising sex workers’.

Mildwater is highly critical of the *Swedish model*. She has encountered the argument that Swedish men no longer have a demand to buy sex and finds it laughable, stating that ‘there isn’t one trafficked woman or migrant sex worker out of the thousands I’ve interviewed who hasn’t fucked a Swede’ (Mildwater 2021). She has observed that many Swedish men come to Denmark to buy sex and that many of the sex workers she has interviewed describe how they even travel to Sweden as escorts, through multiple channels including dating sites like Tinder (ibid.). Mildwater believes that criminalising the client pushes sex work underground whilst

further stigmatising sex work and marginalising sex workers. However, it remains unclear whether there is enough pressure on the SDP to push for the criminalisation of clients, especially as current Prime Minister Mette Frederiksen has openly criticised this approach, favouring a focus on encouraging individuals to exit prostitution (Krag 2019).

When considering criminalisation, Mildwater is deeply concerned about the number of trafficked individuals who are criminalised within Denmark's current legal framework. She states that whilst 'hardly any traffickers are prosecuted...the number of potential victims [of trafficking] who are arrested and criminalised is much larger. We're talking about hundreds' (Mildwater 2021). For those who avoid criminalisation by being registered as trafficked, there are still issues. Mildwater has observed that:

because of the system in Europe, and specifically in Denmark, trafficked people have no interest in being officially identified as trafficked, they see no advantage in being defined as trafficked despite the offer of a voluntary return with financial assistance. People describe to me how they have suffered to get to Europe and risked their lives. The money that they often owe their traffickers is much more than what they would receive from the Danish return agency with a so-called voluntary return. Widespread corruption in law enforcement means they have no faith they will be protected from their traffickers in their country of origin...therefore many of them, after being identified as trafficked, run away from the refugee camp or shelter, because they have no intention of being returned to their country of origin before they have paid their debts. (Mildwater 2021)

This emphasises how, for the migrant sex worker, avoiding criminalisation and adopting a victim narrative centred around human trafficking is not a sufficient solution to escape mistreatment from the state.

There remain some vocal advocates for the full decriminalisation of sex work. However, those acknowledging the agency of sex workers and fighting for their rights and decriminalisation in Denmark are not a cohesive movement, and they hold minimal political influence. Amongst them, there appear to be limited ideas as to how to improve conditions, especially for migrant sex workers, in the caustic Danish context.

Criticising the current migration and asylum systems appears to be the one place where organisations in the rescue industry and those supporting sex workers' rights find solid united ground. In my observations, the focus on documents, borders and deportations does exist across this spectrum of organisations, but perhaps it is dampened by strong anti-immigrant

politics and policies, and a society that prides itself on projecting an image of being near-utopian. Mildwater explains these complex issues as follows:

Denmark is one of the most restrictive countries for migrants in Europe and has passed dozens of new laws and enforced demands which prevent many asylum seekers and trafficked people from ever receiving residence. Many of these laws successfully exclude non-citizens from family reunion and the work market. Denmark has, however, for years cultivated an image of being a champion for human rights and equality. The reality is that there exists two different worlds for “the haves and the have nots”. Migrant sex workers, undocumented migrants, refugees and trafficked sex workers are categorised as aliens, they remain unprotected and are often even criminalised in Denmark. (Mildwater 2021)

When it comes to the laws affecting migrant sex workers, it is clear that the root of the issues is not the laws around sex work as much as it is the laws around migration. It is those laws in which the migrant sex worker is explicitly criminalised. Plambech argues that ‘we need to see more focus on migration politics as a feminist issue. We cannot only focus on sex work laws, or whether clients should be criminalised or not’. She emphasises that these policies are very small ‘in comparison to the broader structures that are going on in terms of unemployment and migration control that limits women’s mobility’ (Plambech 2021). Of course, considering the laws around sex work remains important, however it is essential that they are understood in the context of these broader migration structures (Mildwater 2021).

Conclusion

When I began researching the figure of the migrant sex worker, I conceptualised many of the issues regarding the figure to be relatively straightforward. Having volunteered in organisations that aim to improve working conditions for migrant sex workers, I had a certain lens on the issues at hand. I saw that sex work is work, and believed that if sex work itself was decriminalised, then most of the issues for sex workers would be resolved and therefore subsequently the situation for undocumented migrants selling sex would improve. I was under the impression that campaigns for sex workers’ rights inevitably included migrants’ rights, that anti-trafficking was a codeword for being anti-sex work and anti-immigrant, and that anti-traffickers were, by default, pro-criminalisation. However, this article highlights that these binaries are not of great importance. The concept of work is complex and context orientated. There are sex workers’ rights activists who do not engage with issues faced by migrants, whilst there are anti-traffickers who utilise anti-trafficking mechanisms to attempt to reduce the criminalisation of migrant sex workers. Crucially, improvements in the

conditions and rights for domestic sex workers may have no tangible impact on migrant sex workers.

I expected my work to centre around debates as to whether sex work is work, as this was the focus of much literature on sex work and sex workers' rights. However, a key finding is that whether sex work is conceptualised as work is not a central issue for migrant sex workers' rights. Rather, the policies and structures that have the most tangible impact on migrant sex workers are those regarding migration, asylum and citizenship. Therefore, I argue that those advocating for migrant sex workers' rights should focus their efforts on challenging migration systems and campaigning for a fairer asylum system. This provides justification for those campaigning for domestic sex workers' rights and those campaigning for migrant sex workers' rights to see themselves as distinct groups, with different demands and the need for different resources. However, this should not discourage a push towards solidarity and intersectional approaches to form a cohesive sex workers' rights movement in Denmark. Acknowledgement of the extreme issues within the Danish migration and asylum systems is potentially the one unifying force across the chasmic divide between Denmark's sex workers' rights advocates and the dominant 'feminist' rescue organisations, and therefore could be the key to creating a cohesive movement.

This article shows that victimhood dominates the public discourses regarding sex work in Danish society, regardless of the migration status of the sex workers discussed. This is accompanied by prevalent anti-immigrant sentiment, which villainises undocumented migrants – even those seeking asylum in Denmark. Although the Danish public political debates centre around the idea of the sex worker as a victim or an agent, the undocumented migrant continues to be villainised, seemingly regardless of their status as a sex worker. Both the victimisation and villainisation of migrant sex workers ensure that sex workers are kept in the realms of the exceptional. The rhetoric surrounding this detracts attention from the concrete issues faced by sex workers. It is essential that further research casts a light on the specific issues that are causing an increasing cohort of migrant sex workers to face very poor working conditions, fear deportation, and receive no protection or support from the Danish state, especially evident since the outbreak of COVID-19. This research should consider both the root causes of migration and the opportunities available to migrants in the moment that they arrive in Denmark.

Due to the combination of the dominant victimising discourse surrounding sex workers, and Denmark's policies regarding immigration, Danish society's response to migrant sex workers is predominantly one that deports them under the guise of rescue. There exists a national blindness on the issues facing migrant sex workers, as society supports rescue approaches to

prostitution that were never designed to rescue, or even to support, undocumented migrants. This leaves migrants who sell sex in Denmark trapped in a gap in the system, one where both their victimisation and their criminalisation will likely lead to their forced deportation.

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