



**The Dutch Decriminalization of Sex Work Policy and the
Marginalization of Nigerian Female Migrant Sex Workers**

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This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms

CATW	Coalition against Trafficking in Women
E. C.	European Commission
EMN	European Migration Network
E.U	European Union
GAATW	Global Alliance against Trafficking in Women
IND	Immigration and Naturalisation Service Netherlands
IOM	International Organization for Migration
NAPTIP	National Agency for Prohibition of Traffic in Persons and other Related Matters
NGO	Non-Governmental Organization
NRM	Dutch National Rapporteur on Trafficking in Persons
NSWP	Network of Sex Work Projects
STEK	Stad en Kerk
STIs	Sexually Transmitted Infections
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
UN	United Nations
VVF	VluchtelingenWerk Zuidvleugel

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Abstract

The Dutch Government rescinded the law on prohibition of brothel in 2000 as the outcome of the decriminalization policy that had begun in 1997. The law aspired to control and co-ordinate the abuse of voluntary sex work, to ensure the non-participation of minors in the sex market as well as to eradicate sex-work by non-European women in the Netherlands. The net effect is that non-European sex workers even in year 2014 are still refused the legitimate right to work in the sex industry making them susceptible to trafficking for sexual exploitation as traffickers take advantage of the illegal status of sex workers as well as their inability to access social services and benefits.

With a focus on Nigerian migrant female sex workers, this paper examines the effects of the marginalization of Non-E.U nationals from the policy as well as mechanisms that create their vulnerabilities. It underscores the need for the state to create structures of inclusion that would prevent trafficking and respect the professional path chosen by these women by granting them access to offer their services to clients without discrimination, fear and intimidation.

Relevance to Development Studies

This paper is relevant to development studies as it brings to the spotlight the effects of exclusionary policies on disadvantaged groups by the state and society. Furthermore, it explores the experiences of a particularly vulnerable group of migrant workers, and suggests policies that could promote their gender and human rights as well as social justice.

Keywords

Nigerian – Migrants, Sex-Workers, Decriminalization-Policy, Exclusion.

Chapter 1

Introduction

1.1 Setting the Context

The decriminalization of voluntary sex work was approved by the Dutch Parliament in year 2000 with the major aim of monitoring and synchronizing sex-work, safeguarding sex workers from indictable gangs, in addition to melting out stiff punishments to human traffickers who compel migrant women to engage in sex-work against their personal choice. Its ratification provided a space and a unique opportunity to offer sex workers full social rights and benefits as well as the opportunity for them to submit a wage tax declaration and pay tax as applicable in every statutory professional activity; thus, avowing the approval of bordellos and red light districts in addition to the acknowledgement of sex work as a legal and justifiable form of civic responsibility Huismans and Kleemans (2014:215), Pitcher and Wijers (2014:4).

However, the Dutch Modern Migration Policy of 2010 simultaneously debarred unlicensed emigrants, while also inviting skilled and moneyed emigrants in specialized fields of endeavour 'badly needed' to build up the Dutch offshore savings, tenets, erudition and research; thus, producing a discriminatory all-encompassing emigration policy for professionals and exclusionary policies for unlicensed emigrants. The plan of which is to make the Dutch State a more appealing place for global business activities (EMN 2011:25). As a consequence of this, unlicensed migrant sex workers go into hiding thereby becoming imperceptible to law enforcement and becoming predisposed to mistreatment and abuse by venal traffickers Siegel (2009:6), Kilvington et al (2001:85).

Hence, from year 2000 sex-work by an adult female was no longer considered a misdemeanour by the Dutch disciplinary law if it was done with mutual consent Wijers and Van-Doornick (2009:109). On the recruitment of sex-workers, Section '273CC' of the Dutch disciplinary law outlawed terrorization, physical force, mistreatment and deceit regarding the work environment and conditions of service (ibid). With its substantiation, sex occupation in addition to the provision of sexual services was deemed legitimate under state regulatory standards Daalder (2007:40) in addition to being viewed as a social recreational service essential for an unwavering social tranquillity and lawfulness while simultaneously being subjected to mandatory inspections and health checks (ibid:42). Major features of a decriminalized sex policy regime are controls and stipulated conditions which involve licensing and registration Mossman (2007:6). Legalization on the other hand encompasses the annulment of all legal codes against sex-work, the removal of segments which criminalised all facets of sex-work in-addition to differentiating between intentional and compelled sex-work (ibid). Nonetheless, Raymond (2004:1156) is of the stance that decriminalizing and legalizing sex work entails the affirmation of all aspects of the sex business which includes 'pimps', who are relabelled as legal merchants in the sex industry; she argues that these policies transform bordellos and sex discotheque into corporate business arenas where acts of profitable sex are permitted unhindered; while also recognising the clients of sex workers as legitimate sex consumers.

It is imperative to mention that several factors facilitated the legalization of sex work in the Netherlands; first, sex businessmen and major city authorities who aimed at promoting their business while also creating a liberal and tolerant Dutch society. Secondly, feminists' pressure groups, which recognised and regarded sex-work as a form of labour activity and in fact termed it 'erotic labour'. Thirdly, the absence of a strong and viable opposition in parliament to stand against its enactment and lastly, the rational approach to moral issues by the Dutch society Sanders et al (2009:5), Outshoorn (2004:167- 174), Brants (1998:628-635).

1.2 Background Information

The contemporary Dutch standpoint to sex work is based on a regulatory ideology applied to other statutory corporate segments of the society as the sex-work policy gives state the autonomy to co-ordinate the sex market Shelley (2003:127).

The history of the decriminalization policy began in the early 18th century with the French army enacting laws and structures on the regulation and control of brothels while also ensuring a routine medical check-up of sex-workers with the aim of preventing soldiers from contracting sexually infectious diseases Aalbers and Deinema (2012:130 -132). Laws on the regulation and management of brothels were enacted by medical personnel's and conscientious citizens with the aim of preventing the spread of infectious diseases and harmful social vices (ibid). But despite the compliance with the public morality law of the 19th century which outlawed brothels, sex work still existed as sex-workers were assumed to be defenceless and needed to be guarded and assisted by the state (ibid: 133). This led to the enactment of the 'gedogen'¹ policy in 1964 with the intention of integrating sex workers into the society; in fact, it was this policy that led to a changing tolerance of sex workers and set the pace for the decriminalization of sex work policy Aalbers and Deinema (201:134). The 1970s witnessed a surge in the sex industry leading to the formation of more red-light districts as well as the establishments of bordellos in major cities outside the sex work regulated zones Good-Year and Weitzer (2011:17). The rise in the transnational trafficking in women from abroad began in the 70s; which prompted a radical feminist discourse on the recognition and value for voluntary sex work (ibid).

By 1999, the government had succumbed to public pressure by eradicating restrictions on brothels and on October 1st 2000 the sex work legalization policy came into effect making the Netherlands one of the countries in the E.U. to legalize sex work Good-Year and Weitzer (2011:17). In deterring the abuse and manipulation of women in the legalised sex sector, a proposed bill on the need to regulate prostitution and handle abuses was introduced in parliament in year 2009; this bill establishes a mechanism within which every municipal council adopts standard procedures governing the daily administration of the sex industry as well as setting up mechanisms to monitor autonomous sex-workers (NRM 2009:49). Furthermore, the bill created - strict penalties for human traffickers, the compulsion for legal prostitutes to register with appropriate authorities with the aim of uncovering victims of sexual exploitation in

¹ Toleration policy of sex work

the industry and raised the minimum age to work in the sex industry from 18 to 21 years of age. Finally, it mandated clients to check with the appropriate department in the municipal if a sex worker is registered before patronizing her (Outshoorn (2012:233), (E-Notes Observatory 2011)).

In addressing the crime of commercial sexual exploitation in the licensed sex market, the NRM in its 2013 report argues that the bill to legislate on the control and regulation of the sex industry would have created regulations on combatting abuses especially of migrant women in the industry; but the abstraction of the registration of prostitutes during the discussion of the bill in parliament created a loophole in its enactment (NRM 2013:28). Presently, as debates on the bill are ongoing, municipalities have taken steps ahead to formulate local policies on sex work in addition to increasing the oversight of the sector (ibid). THB under Section '250a' of the Dutch felonious law attracts criminal punishment as it is viewed as the recruitment, transportation and abduction of a person to forcefully engage in sex work with the intention of making profit; also, misleading a minor to prostitution without force is considered as THB (NRM 2005:16). Sub-section 4-6 of the disciplinary law proscribes stiff penalties in form of 6 years imprisonment or option to pay a fine of forty-five thousand Euros for persons who compel women to prostitute involuntarily, the sentence was increased to 8 years in prison or the option to pay a fine of the same amount earlier stated. THB is referred to as present day servitude in the disciplinary law code and it is included under the name 'crimes against morality' (ibid: 17).

In comprehensively addressing the crime of THB, section '250a' was widened to include all forms of sexual services persons especially minors are compelled to perform (NRM 2005:16). Reports carried out by studies on THB (Ebbe and Das 2008; Scarpa 2008; Bales 2007) particularly on women and children from sub-Saharan Africa revealed that its causes are multidimensional and multi-complex ranging from impoverishment, low socio-economic status and gender discrimination rendering them vulnerable.

1.3 Research Problem

The exclusion of migrant sex workers from nation-states outside the E.U. creates an invisible structure for the sexual exploitation of these women, as their marginalization do not grant them access to social benefits in addition to work authorization documents compelling them to work as illegitimate sex workers in unregistered and unmonitored brothels, under pimps and often times traffickers all of which increase their vulnerability and exploitation in the unregulated and hidden sex market.

Additionally, regardless of the goodwill of the proponents of the law for sex-workers, the decriminalization policy has not reasonably been able to offer better conditions of living for the women as quite a number of bordellos still operate illegally as a result of refusal by the municipal council to grant licenses; instead of eradicating sex trafficking and sexual exploitation, the policy has made fighting sexual exploitation complicated as traffickers hide under the pretext of legality to continually exploit women in addition to law enforcement ignoring brothels where women are in sexual bondage on the account of the legality of buying and selling of sex (Bailey (2010:195)).

1.4 Justification

There exists a plethora of academic studies on the marginalization of migrant sex workers from enjoying the rights and privileges of a decriminalized sex work policy to mention but a few (West 2000; Kempadoo and Doezema 1998). These studies exposed the reasons why many of the women chose to be sex workers and the impact of their marginalization in the European Society. My aspiration for doing this research is to expose the effects of exclusionary policies on certain group of persons as a result of their gender, ethnicity and race. The impact of exclusionary policies are felt by these women as result of their illegal status in the society which was compelled by the need to escape the deplorable conditions and stigmatization they were exposed to in their country of origin

1.5 Research Objectives and Questions

The objective of my paper is to analyse the experiences of Nigerian migrant sex workers in relation to their exclusion from the Dutch sex work policy and to achieve this, I ask the following research questions:

1.5.1 Main Question: In which ways have the Nigerian migrant sex workers been exposed to vulnerability and exploitation, and how have these been related to the Dutch Government decriminalization policy with regard to sex work?

1.5.2 Sub-Questions:

1. What are the vulnerabilities of Nigerian migrant sex workers with regards to assets creation, privileges and rights from the Dutch State?
2. How have migrant sex workers been able to exercise their agency in spite of their exclusion from the formal sex work policy?

1.6 Methodology and Research Design

In selecting the appropriate methodology for my research, I agree with Zhang (2009:162) who was of the standpoint that a researcher researching on migrant sex workers and the vulnerabilities they are exposed to in the hidden sex market, needs to spend a significant amount of time with these persons in-order to elicit appropriate information that would be beneficial for the research. In view of this, during my field work (July-August 2014) I employed the use of observational skill and structured/semi structured interviews as my main source of data collection. I also engaged with relevant secondary data from journals, book and relevant publications.

This research was conducted with the assistance of VVF and Kariboebi-bi/STEK, both organizations based in The Hague; assist migrant sex workers, refugees and victims of TIP with stipends and basic needs in addition to legalising their stay. My choice of working with these organizations was due to the fact that they facilitated my access to the women and also were the few NGOs who positively responded to undertaking my research with them as a plethora of organizations were consulted by me before the commencement of my field work.

1.7 Sources of Data Collection

The main source of primary data collection was the use of semi-structured interviews which was combined with observational studies of professional sex workers in red light districts and screen sets daily between the hours of 12am – 4am on Dutch television stations. Key informant interviews were held with

social workers, a senior Dutch police officer, an IND official, lawyers and a pastor. In recapitulation, 14 respondents participated in the research.

1.7.1 Sampling Method

In adequately responding to my research questions, I take a qualitative approach by selecting a sample from which the most could be learnt and understood from the perspectives of my respondents Merriam (2002:3). Hence, the lawyers and social workers were deliberately sampled with the assistance of the project officer of VVF. The police officer and pastor were willingly to participate and share their experiences with many of the women they had encountered in the course of their job. The sexually exploited Nigerian migrant sex workers, who were interviewed, were those who willingly agreed to participate in the research on the basis that their identity would be concealed. An IND official was selected to participate in the research based on his relevance and knowledge on the subject matter of the research.

1.7.2 Observational Studies

In-order to create a good relationship with my respondents (sex workers) which would enable them warmly respond to my interview questions, I ensured I partook alongside with the women activities organised for them by project officers of my facilitating NGOs ranging from cleaning, sharing of toiletries, cooking, picnicking, summer parties, dancing and health discussions. This strategy was devised as a result of the sensitivity of my topic as many of my respondents would not openly discuss the unfavourable circumstances they had been exposed to. This strategy, enabled me interact closely with the women as well as creating an opportunity to know them in-depth. I developed a scheme of buying items for them and also sharing my life experiences with them, this endeared me to them and created a level of trust as the women opened up on their conditions of living as well as their nasty experiences in the Netherlands in-addition the shame of not being able to return back to Nigeria. My participatory mechanism provided me the opportunity to understand their reason for migrating to the Netherlands and also their psychological and emotional needs. I was also at a disadvantaged position during my observational studies because the women did not totally trust me, they felt I was better off than them socio-economically and so I would never understand their reasons for being sex workers. My observational studies were usually conducted around 10am to 2pm when the women came around to collect basic necessities donated by the church, good Samaritans and charity organizations.

1.7.3 In-Depth Interviews

Vital informant interviews were held with 2 lawyers, 1 police officer, 1 IND official and 5 social workers. These interviews often times ran from 50 minutes to 1 hour 30 minutes depending on social dimensions that came up in the course of the discussions. As only the police officer consented to be recorded, the other interviews were transcribed during the discussions. All the interviews were conducted in the offices of the officials, while the interviews and discussions with 4 of the sex workers were in discussion rooms of the organization while the interview with the last sex worker was held in an African hair saloon where she learns to weave hair at Holland spoor, The Hague area.

1.7.4 Narratives

Developing issues with the women determined the starting point of their narratives which included their motivation for coming to the Netherlands, their method of arrival and experiences with the IND, law enforcement and social structure of the Dutch society. This approach provided a platform for the women to discuss freely their experiences as sex slaves in the Dutch society Kvale and Brinkmann (2009:2).

1.8 Reflexivity

As a researcher interested in the sex work policy and sex industry, I had to visit the red light districts for me to understand the modus operandi of the window prostitution in both the Amsterdam and The Hague. As a Christian, I had a lot of biases on why these women had to display their bodies behind a window for a price, I was even more biased as to why a full grown man who should have a spouse at home to cater for all his sexual needs should solicit the sexual services of a sex-worker. As I daily understudied for my research, I realised that the Dutch society is very pragmatic and tolerant and in as much that the bordellos do not affect the tranquillity and social order of the society then it was ok for them to operate. Another area of my reflection was how I just could not understand why a Nigerian woman despite all the high cultural values instilled in us from childhood on virginity before marriage, purity and sexual faithfulness after marriage, why and how a Nigerian would agree no matter the circumstance would consent to trading her vagina for money. I also could not understand why anytime I was walking the street of Doubletstraat -The Hague red light district I was accosted by men on how much I would charge for a massage without sex and for sex for a particular time period.

I would describe my positioning in conducting this study in the Netherlands as an insider and at the same time an outsider. I consider myself on being an insider because I was researching on women who share the same nationality as mine abroad and an outsider because I could not comprehend how and why they had to leave their families and husbands (a few were married with children in Nigeria) to travel to Europe to be sex workers. This affected my interaction with them because no matter how hard they tried to defend their choice, I just could not understand why it had to that choice they had to make. My feelings in conducting this research were mixed, I was excited about the idea of conducting my research with Dutch organizations and secondly, I was depressed when the lawyers and social workers I interviewed informed me about the sufferings and discrimination the women were constantly exposed to and how in a short time, a considerable number of them will be deported empty handed, which means they will be forced to return to the hardship they escaped from with nothing to show for it.

Prior to my research, I was of the viewpoint that many women who engage in sex-work were unproductive women who wanted money easily without working for it thereby defaming the image of Nigeria abroad. As I daily interacted with the women during my field-work, I realised that many of them did not have the required legal documents and had no access to social rights and benefits; I understood their plight and empathized with them as I became aware that they did not wilfully agree to be sex workers but were pushed by life circumstances which compelled them to make the choice. Furthermore, most of

the women shared with me tales of bitter and funny encounters with clients in the course of their work.

Latour (1998) as cited in Downe (2007:557) was of the view point that reflexivity is a content or group of contents which fully considers its own production and in analysing my interviews and respondents, I ignored my biases and tried to be subjective in analysing the narratives of the women based on their experiences as O'leary (2010:31) points out that if the positioning of a researcher is not constantly and deliberately taken care of, an analysis which is self-centred, self-assured and impervious to ethnicity, tribe, class and gender would be conducted which ultimately leads to a biased research study .

1.9 Challenges and Ethical Considerations

My research is aimed at studying the impact of the decriminalization and legalization of sex work policy on migrant sex workers with a special interest on Nigerian migrant sex workers. However, many of the Dutch NGO organizations consulted to facilitate my access to the women declined to participate in the research, also many of the sex workers in the facilitating NGOs vehemently refused to participate in the research as they expressed their grievances towards the Nigerian Government who they felt was responsible for the refusal of the Dutch authorities to grant them permanent residence permit. This is because of a report from the Nigerian Government to the Dutch Government informing the latter that through her organization NAP TIP, that she has the competence and capability to rehabilitate and reintegrate the women back into the society without any glitches.

Furthermore, many of the women refused to respond to many of my interview questions and many times they seemed lost in thought as many of them had developed mental related illness due to their unpleasant experiences. All the women refused to be audio-taped and I promised protect their identity which to an extent loosened them up and made them freely interact with me. Furthermore, the Dutch brothels and Turkish hotspots I contacted to assist with the research vehemently refused as they said they could not trust me.

Lastly in the organizations where the research was conducted, I was made to sign a confidentiality form not to release the names of the women I interviewed.

2.0 Structure of Research Paper

Chapter one provides the background in addition to the general aim of my study. In chapter two, I focus on international perspectives on human trafficking – justice and rights for migrant sex workers. Here, I briefly define human trafficking and factors which exacerbates it; I also discuss the debates on sexual exploitation on women and TIP since 1949, the discourses surrounding sex work, and sex trafficking as well as justices and rights for victims of TIP and migrant sex workers. The central theme of my third chapter is understanding decriminalization of sex work and the non-inclusion of migrant sex workers through the lens of social exclusion and intersectionality. In this chapter, I define and explain the concept of social exclusion and intersectionality in relation to my research and justify its usage as my analytical frameworks in-addition to discussing the debates on sex work, the regulatory sex work policies of Sweden, New-Zealand and England, migration, gender and sexuality as well as Dutch debates on rights and justice for migrant sex workers. In chapter four, I

bring the voices of the migrant sex workers and other actors to the paper by discussing the social construction of an illegal migrant, patterns of exclusion and intersectionality and violence experienced by sex workers. In my last chapter, I conclude my paper by summarizing my findings, responding to my research questions and proffering recommendations.

Chapter 2- Human Trafficking: Justice and Rights for Migrants Sex Workers- International Perspectives.

In this chapter, I look at the concept of TIP, international protocols on TIP and sexual exploitation of women, the Nigerian Anti-Trafficking Policy as well as discourses on sex-work and sex-trafficking. I analyse these policies to show how the linkage of sex work and trafficking has developed over time in addition to debates between the proponents and opponents of sex-work decriminalization policy in addition to justice and rights of victims of TIP and migrant sex workers.

2.1. Human Trafficking

More than centuries after the abolition of the atlantic slave trade, the rapid development of world economy is expediting the unseen 'face' of contemporary servitude manifested in commercial sexual abuse of women and children, organ sale, domestic enslavement and compelled labour Prabhakaran (2013:67). Trafficking in Persons (TIP) is often referred to as a negative characteristic of universal integration Sanghera (2005:7) and a misdemeanour against citizens' inalienable rights and human nobility Ren (2014:140). It is defined as the act of 'recruiting', 'transporting', 'harbouring' or 'receiving' a person through the use of force, threats, coercion or other means for the purpose of sexual or other forms of exploitation (UNODC 2013) as cited in (ibid); it also defined as 'rape for profit'(Bales 2002) cited in Saunders (2005:346). Presently, no unanimity exists on the actual magnitude of TIP, while sex-work remains the focal points of debates on TIP (ibid). Women, children and migrants are the most susceptible to TIP as a result of their precarious situations (ibid).

Factors responsible for TIP are growth in European sex market, media hype of Europe, lack of socio-economic opportunities, traditional male dominated culture, gender inequality and discrimination against women; a major feature of many trafficked victims are a lack of education, skills and being heavily in debt Chuang (2006:140).

2.1.1 The Debates on Sexual Exploitation of Women and TIP since 1949 in the International Political Sphere

I The 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

The United Nations General Assembly resolution 317 (IV) annex) adopted the convention for the suppression of Traffic in Persons and exploitation of the prostitution of others with a central theme on the elimination of trafficking for the aim of prostitution in year 1949 Amiel (2006:25). It was the first global document to birth human trafficking in gender unbiased terms while also meting out punishment for purchasing sex irrespective of consent in both national and international trafficking Outshoorn (2005:142). The convention was enacted as a result of the collaborative determination of the neo-abolitionists; who were a coalition of feminists evangelical Christians and had the standpoint that prostitution constituted a violence against women and should be wiped out from society Chuang (2010:1664).

II The Year 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

The Palermo protocol to prevent, suppress and punish the trafficking of persons especially women and children is the first transnational instrument that comprehensively addresses the trafficking in persons after the 1949 convention for the suppression of Traffic in Persons and of the Exploitation of the Prostitution of others; It is a global crime restraining collaborative document drafted to advance and expedite partnership with state parties in eradicating TIP as its ratification prepared the way for an accelerated propagation of anti-trafficking laws Chuang (2006:148). The protocol evolved out of global pressure as an urgent need to address the crime of human trafficking in all its forms Doezema (2010:27) in addition to First, creating a structure for justice on behalf of exploited women, Secondly, a need to completely eradicate or reduce to the barest minimum the crime of TIP and Thirdly, the need for an effective global tool that would make provisions for victims protection, assistance and the prosecution of traffickers Enck (2003:377).

The purpose of the protocol was to reduce to the barest minimum TIP for commercial sexual exploitation with a strong emphasis on women and children, care and assist victims of human trafficking as well as foster co-operation and collaboration among state parties Defeis (2003:487). Its enactment created the evolution of a global description and explanation of TIP Hyland (2001:38).

III The 2005 Council of Europe (COE) Convention against Trafficking in Persons

The COE convention against TIP was enacted on May 16 2005 but did not become operational until year 2008. It aimed at preventing TIP, protecting the fundamental human rights of victims, prosecution of traffickers, promoting the harmonization of federal action and global co-operation and creating sustainable partnership with relevant actors to raise global awareness on TIP thereby reducing it to the barest minimum (Council of Europe 2014). The COE convention is a bold attempt by member states to confront TIP in the 21st century as its ratification offered a new facet in tackling the global scourge in addition to complementing existing TIP and human rights protocols ratified by the United Nations and other transnational organizations Sembacher (2005:438).

IV The Nigerian Anti- Trafficking Policy

In 2003, the Nigerian parliament passed the Trafficking in Persons (Prohibition) Law Enforcement and Administration act and set up NAPTIP. The act empowered NAPTIP to – synchronize all anti-trafficking laws in Nigeria, enhance mechanisms to boost the effectiveness of eradication of TIP, endorse witness assistance policy, rehabilitate and re-integrate appropriately rescued Nigerian victims of all forms of trafficking and strengthen partnership between important law enforcement agencies in the battle against TIP (NAPTIP 2014) Olateru-Olagbegi and Ikpeme (2006:23). The NAPTIP Act in section 11 proscribe punishment of life imprisonment for anyone who brings into the country as well as send abroad any person below eighteen years of age with the purpose that such person will be compelled or inveigled into prostitution

(NAPTIP 2003:11-12); Furthermore, section 35(a) of the document directs that any person found guilty of any crime outlined therein would surrender to the victims of trafficking trust fund all the properties which are the subject of a provisional order of the court (ibid:23). Similar to the COE convention against Trafficking in Human Beings, the NAPTIP Act in section 50 (a) directs that no victim should be treated unjustly as a result of colour, ethnicity and social origin (ibid: 30).

Nigeria is a hub of TIP particularly women and children. It is a origin, transit and destination country for women and children subjected to force labour and sex trafficking; It is an origin country for trafficked women, foreign nationals from Benin Republic and Republic of Togo are also trafficked into Nigeria or are brought into Nigeria to be transferred to other countries. Nigerian women trafficked overseas are sent to Europe (Netherlands, Germany, Italy, Switzerland and Belgium), West Africa (Mali, Cote-D' Ivoire), Central Africa (Gabon, Cameroun), North Africa (Morocco, Algeria) and Middle East (Saudi Arabia) Aronowitz et al (2006:11 & 12); they are recruited from rural villages where level of impoverishment is high coupled with a dearth of basic infrastructural amenities.

The 2014 annual U.S. Department of States Trafficking in Persons Report ranked Nigeria Tier 2 on account of the inability of Federal Government not passing into law a draft legal code that would restrain the capability of Judges to offer monetary penalties in lieu of prison sentence as well as the non-execution of a formal process to rehabilitate and reintegrate repatriated survivors of commercial sexual exploitation; as quite a number of rescued trafficked victims in the Netherlands and many European states have been denied resident permit or have had their asylum application denied on the basis of the information from the Nigerian Government through NAPTIP that there are adequate mechanisms in place for their rehabilitation (US TIPR 2014:297-298). The implication of this is that the women are left idle, thus creating the opportunity to be re-trafficked and exploited; thereby losing hope in the capability of their country to cater for them. Concerning the denial of habitation permits for victims, I found this to be exactly the case as during my field work interviews with one of the social workers, she informed that there were quite a number of Nigerian rescued victims of trafficking in the Netherlands and each time an application is filed for a residence permit it is always struck out on the grounds that Nigeria has the capability to rehabilitate and cater for rescued victims when they are repatriated home.

However, despite the shortcomings of the NAPTIP Act which focuses predominantly on the prosecution of traffickers rather than on the preclusion of trafficking and protection of trafficked persons, ensuing difficulty in taking legal action against traffickers on account of lack of cooperation from victims to testify against him or her due to fear of revenge attacks; the Nigerian Government has taken a commendable stride aimed at bolstering the statutory and institutional framework to address TIP in Nigeria Olateru-Olagbegi and Ikpeme (2006:24).

2.2. Discourses Surrounding Sex-Work and Sex Trafficking

The transcontinental characteristics of sex-work are a universal present-day occurrence necessitated as a result of 'global economic restructuring' Boidi et al (2009:9). The sex industry is one the most lucrative and thriving industries of

the world economy; it comprises of building companies, media outlets, telephone companies and the amatory industry (ibid: 10). As the sex market in the global north boomed, a huge demand for migrant women from the global south was needed to fill the gap which necessitated discourses by super-national institutions such as the UN and EU and feminists on the relationship between sex work and TIP in the 80s Outshoorn (2005:141).

Perspectives of prostitution as both sex and work are reliant on how economic and sexual systems work simultaneously to producing gender inequity. It is reflected in how men pay for sex and women sell their bodies for the sexual gratification of men thus describing the way and manner economic wealth are gendered Hobson (1990: ix). (ibid: 5) is of the standpoint that sex-work demonstrates a feature of women's lack of entry to economic and political power and in conformity (McLeod 1982) cited in Sanders et al (2009:3) argues that low socio-economic status shape women's participation in sex-work as their precarious situations within the context of a capitalist society is central to their experience as sex workers.

Feminist discourses play out majorly on the bodies of female sex workers and became an ideological point of discussion for early wave feminist who sought to address the inequalities of male dominated norms which kept women in a position of disadvantage in all areas of public and private life; as the female body was termed 'a female object' by early western feminists (ibid).

In view of the fact that sex trafficking is defined as the 'prostitution' of individuals in addition to victims of TIP being characterized as unlawful migrants, sex workers or displaced vagrants Bernat and Zhilina (2013:1); anti sex work activists in buttressing their stance on the obnoxiousness of sex work, have constantly emphasized the dissimilarity between compelled trafficking, trafficking and human migration by insisting that injustice, intimidation and exploitation are the features of all acts of TIP and sex-work Weitzer (2007:452). However, majority of TIP victims are cajoled by the huge sum of money that would be made, a desire to create an independent ostentatious lifestyle as well as a dissatisfaction with their current level of socio-economic status (ibid: 453) and despite existing information that many of the victims are deceived, a significant proportion traded sex in countries of origin and were adequately informed on the type of occupation they would be engaged in (ibid:454). The causes of TIP are interrelated with the susceptibilities of persons to it Bernat and Zhilina (2013:7); these susceptibilities are the outcomes of inequalities necessitated as a result of unavailability of a legal right to nationality and right of abode, compelling vulnerable women to engage in clandestine activities and thus enhancing their vulnerability to trafficking (ibid: 8).

Three major antithetical feminist views exist on sex work. First are free thinking feminists under the identity of GAATW, who view female sex workers as professionals who chose sex work out of their own free will. They are of the standpoint that the sex worker is an analytical character operating in a capitalist society in-addition to enjoying the act of 'erotic labour' and earning huge amounts of money from it; and so therefore should be accorded the same rights and benefits as workers in other sectors in-addition to being able offer their services without fear (Chapkins 1997) as cited in Matthews (2008:29). Secondly are extremist feminists with the identity CATW, who are of the stance that the justification of 'prostitution as sex work' venerates the sex industry and the male client who purchase sexual services. The perception of free

choice to engage in sex work to the extremist feminist is inaccurate as women are compelled into sex work as a consequence of impoverishment, gender inequity and prejudice; they argue that women are being -used by the men who regulate and manage the industry while also bolstering male-controlled establishments which influences women and gender relationships Raymond (2004: 1157). Furthermore, they see the sex industry as one which displays the unexceptional and sexual discrimination in society Sanders et al (2009:4); as well as a root factor responsible for the sexual exploitation of women. These women canvas for the criminalization of sex- work because-First, the act of sex works poses a threat to well- being in-addition to exposing the sex worker to assault while waiting or attending to a client. Secondly, the sex worker has no agency as her goings-on is determined and influenced by other persons. Thirdly, the act of sex work is an intrusion into the private arena of the female body. Fourth, in a quest to earn money, the sex worker turns her body into a commodity to be bargained for in the capitalist market thus validating their stance that women are pushed into sex work as a result of impoverishment Nussbaum (1999 :289 -291). Nevertheless, both viewpoints are one-dimensional and do not take into extensive account the capitalist economic system and unfairness which affects gender relations between men and women along with the multiplicity of persons in the sex industry Sanders et al (2009:5).

Furthermore, worthy of mention is sex workers in accentuating their rights in the sex industry have come under the umbrella body NSWP to oppose the stance that migrant sex workers are victims of trafficking while also disagreeing on the comparison between voluntary and compelled sex work Saunders (2005:348). Additionally (Giddens 1979) as cited in (ibid) argues that the feminist discourses on sex work reflects an undetermined 'agency/structure' discourse which torments the 'social sciences'.

The disconnect between these standpoints reflects how the concepts of trafficking, migration and sex-work are viewed by various groups. TIP by reason of its definition as the movement of women across local and international boundary for sexual exploitation in criminal law and jurisprudence has been basically linked to sex work Outshoorn (2005:146). TIP was subsequently viewed as being a casual factor responsible for sex-work thus creating a mechanism whereby the most reasonable approach to eradicate TIP for commercial sexual abuse of women was the abolishment of sex work; as the decriminalization and legalization of sex work was viewed as creating more demand for sex workers thus leading to the TIP of more women to fill the demand (ibid). Proponents of sex work as a professional choice maintain the stance that as a consequence of vulnerabilities women can be victims of TIP but not all women crossing the boundary to enter another nation state illegally are victims of involuntary sex work. They maintain that the inequality in wealth distribution compels many women to migrate and choosing the option of being sex workers to better their socio-economic status (ibid: 147). The decision for women to enter into any form of work in present-day society is hindered by forces operating at the global and economic level. At the economic level within the capitalist market system workers are free to engage in any form of labour activity at a price in the fragmented labour market where access to different levels of employment is dependent on education and skills while also being differentiated along the lines of social category, age, gender and location as majority of women in sex work have low educational levels and poor skills and therefore

their choice in the market is generally restricted and dependent on the poorly paid, temporary and menial jobs Sanders et al (2009:10). The decision to sell sexual services is systematized by an ideology which indicates that men have the right to demand for sexual services in the market space (ibid).

2.3 Justice and Rights for Victims of TIP and Migrant Sex Workers.

A major priority of the E.U and its nation-states is tackling human trafficking, based on a balanced framework using the Palermo Protocol and COE convention against TIP especially women and children Goodey (2013:421). In addition to creating a structure that creates a gender precise mechanism which places the rights of victims at the centre of its anti-trafficking policies and by accentuating the need for an interdisciplinary structure (E.U.2013:2). The E.U as well as other supranational organizations recognizes the need in educating victims of TIP and rescued migrant sex workers on their rights and civil liberties which includes a right to access - psychological and social services, permanent employment, provision of comfortable domicile, protection before and during the prosecution of exploiters, access to recompense schemes, access to legal aid and assistance with habitation authorization permit Haynes (2004:248). Victims of TIP have a right to a deliberation break which is aimed at enabling them make an objective decision on whether they choose to press charges against their traffickers at the end of which such persons are granted a renewable habitation license of six months on the condition of agreeing to cooperate with law enforcement in the investigation process in addition to posing no danger to public tranquillity or security in the Netherlands or any E.U. State. This license could be invalidated if discovered that the victim still maintains a relationship and in communication with trafficker in-addition to providing false information (E.U 2013: 10).Victims who have inhabited legitimately in the Netherlands or any E.U. member states for a minimum of 5 years, are entitled to a permanent habitation license hinged on the ability to sustain herself without state assistance (ibid). Victims not permitted to reside in the Netherlands nor any E.U states are allowed to depart between 7 and 30 days (ibid).

Presently in the E.U. a National Referral Mechanism archetype of ‘Signalization –Identification-Integration’ which incorporates an interlinked, wide-ranging and an incessant support of victims of TIP is in existence. This is achievable in accordance with mechanisms put in place to create empathy for the victims, provide comfortable domiciles for them, promote their integration in the society and job markets (European Commission 2014); this mechanism is aimed at providing an uncommon and remarkable support to victims in form of skill acquisition training, legal aid and psychological assistance, promote victims’ individual development to prevent recidivism as well as make available a link based system with a focus on research on reducing to the barest minimum the trafficking of women into the E.U. and promoting victims’ support (ibid).

Gallagher and Holmes(2008: 321) were of the stance that Justice for victims of TIP should encompass first, an all embracing legitimate structure that is in agreement with global ethics as this ensures that all crimes related to TIP are ‘criminalised’ in-addition to traffickers being penalized and ensuring global collaboration (ibid:323). Secondly, a competent legal execution experience to investigate and identify cases of human trafficking; this ensures that law enforcement are properly trained and funded to address the crime of TIP (ibid).Thirdly, a comprehensive law enforcement capacity and potential to react

positively and effectively to cases of TIP; this is necessary to enable law enforcement carry out their responsibilities diligently as well to be able to identify and rescue victims Gallagher and Holmes(2008:326). Fourth, a workable and concise litigation as well as judicial structure; this is necessary to ensure that the judiciary is able to prosecute traffickers appropriately. In the past decade, the judiciary in many countries is marred by bribery and other acts of venality by judicial officers thus negatively affecting the proper prosecution of traffickers (ibid: 327). Fifth, an efficient and thorough method of victim recognition alongside an instatenous defense and support; as states have the obligation to recognise and protect victims of TIP, there is the need for a national response to be put in place which is important in the protection and assistance to victims of TIP (ibid: 328) as the incapacity to recognise a victim leads to a refutation of their rights while also creating problems in the litigation process (European Trafficking Convention Explanatory Report 2005) as cited in (ibid:329).

Chapter 3 Understanding Decriminalization of Sex Work and the Non-Inclusion of Migrant Sex Workers through the Lens of Social Exclusion and Intersectionality

The concept of ‘social exclusion’ was coined by Rene Lenoir in the 70s to categorize the excluded in the French society; It is a multidimensional and polysemy concept used in the field of anthropology, sociology, ethnography and cultural studies Silver (1994:532 & 536). Within the context of the E.U. it refers to the plan and objective of achieving social and economic interconnectivity Percy-Smith (2000:1). Intersectionality on the other hand was coined by Kimberley Crenshaw in 1989 to understand the interaction between gender, sex, race and other categories in specific lives, communal norms and practices, institutional procedures and cultural ideologies in-addition to the outcome of their synergy in terms of power Davis (2008:68).

In what follows, I first analyse the concepts of ‘social-exclusion’ and ‘intersectionality’ with respect to the experiences of Nigerian migrant sex workers in the Netherlands; and then I discuss the sex-work policies of Sweden, New Zealand and England in-addition to analysing feminist discourses on sex work.

3.1 Defining Social Exclusion

(The UK Social Exclusion Unit 2001) as cited in Jehoel-Gijsbers and Vrookman (2007:11) defines social exclusion as a short calligraphic phrase used to explain what happens when persons suffer from a blend of interconnected glitches such as impoverishment, low socioeconomic status as a result of meagre salaries, bad health, poor and uncomfortable housing, family collapse, racial prejudice and low skills. Furthermore, (The Commission of the European Communities 1993) as cited in Percy-Smith (2000: 3) defines social exclusion as the manifold and mutable elements responsible for the marginalization of persons from the conventional discourses, mechanisms and benefits of modern day society. Persons are generally referred to as being socially excluded if they are topographically resident in a society but lack the capabilities to effectively function in the daily happenings of that society Burchardt et al (1999:230).

In using social exclusion as my analytical framework, I concur with Sen (2000:3) who linked the concept to ‘poverty as a capability deprivation’. Poverty is defined as a dearth of manifold possessions which leads to physical lack in addition to inability to meet basic needs (World Bank n.d); it is also defined as a lack of earnings (ibid) which equally determines the kind of life individuals can live, as persons are impoverished as a result of inadequate income which simultaneously leads to a poor standard of living (ibid). In the same way, livelihood opportunities are limited as a result of the inability to participate in communal activities thus making the concept of social exclusion a form of ‘capability deprivation’ and ultimately a reason for diverse capability failures Sen (2000:4).

With regards to the social exclusion of Nigerian migrant sex workers from the Dutch sex work policy, I argue alongside Fraser (2010:364) who view social exclusion as a kind of ‘injustice’ and discrimination in which justice is defined as equality in involvement (Fraser 2003) as cited in (ibid). The rule of justice according to Fraser entails a common grouping which allows individuals in particular areas of interest or specialization to be given equal opportunity

which enables them intermingle and offer their services without fear or intimidation (ibid:365). For justice to exist in a society, (Fraser 2010) claims 3 criteria must be met which are First, the allocation of equal opportunities and means that would ensure self-reliance and self-sufficiency as this process would impede economic policies which approve and standardize hardship, abuse as well as inequalities in resources, assets, revenue, work and relaxation time which inhibit persons from engaging as complete partners in concerted interaction. Secondly, the public rank system must demonstrate and convey dignity to participants in addition to ensuring a proportionate favourable circumstance that would achieve social justice. This condition prevents cultural structure that methodically denigrates some classes of person and the characteristics associated with them; thus, denying them the opportunity of operating on the same level playing field with associates in daily communication. Lastly, the governmental constituents of society must permit a proportionate political right of speech to all persons irrespective of socio-economic status and race; this process eliminates electoral outcome process and media systems which specifically eliminates the opportunity of persons to voice out against issues which affects them. Taking into account justice as equality in involvement; therefore social policies that standardize barriers to justice are unfair which implies that the exclusion of Nigerian migrant sex workers from the Dutch sex work policy is an 'eo ipso', as they are denied the opportunity to participate at par with their E.U. counterparts in the sex industry Fraser (2010:365). Undoubtedly, social exclusion is discriminatory as it symbolizes a refutation of equality in involvement which consequently implies that it is a severe ethical injustice (ibid).

The marginalization and impoverishment experienced by many migrant women is a push factor responsible for their entrance into sex-work which is further exacerbated as a result of it; as they are compelled to work in precarious conditions by working longer hours without compensation, engage in unsafe sexual acts which involves the non-use of condoms in addition to the inability to visit a health care facility due to language barrier and fear of extradition Balfour and Allen (2014:9 & 12). In acknowledging this fact, recommendations of the European Convention on 'Sex Work', 'Human Rights', 'Labour' and 'Migration' held in 2005 advocated for a value and respect of the rights of migrants sex workers to perform their jobs unhindered, their inclusion into the sex work policies, access to social security while also adding the obliteration of unreceptive acts towards their profession (Sex Work 2005). Furthermore, the exclusion of migrant sex workers from obtaining a lawful work permit makes them more susceptible to exploitation and other forms of abuse than if they were legally permitted to work, a recognition of sex as work for migrant women would reduce the susceptibility and abuse experienced in the sector Wijers and Van-Doornick (2012:113)

Scoular and O'Neil (2007:768) are of the stand point that social exclusion as it pertains to sex work is complicated and thus, a the need for policy makers to put into consideration 'stigmatization', 'identity politics', 'governance', male dominated norms and existing laws enhancing the status of sex work. In agreement, (Zatz 1997) as cited in Scoular and O'Neil (2007:769) notes that feminist and policy makers often times have biases which is detrimental to sex-work. He argues that sex-work as a product is not an important feature of sexuality but rather it is fundamental to policies of illegalization and stigmatization which seek to exclude and repress sex workers while also restraining and

disrupting sex work's radical capability to disrupt its divide. Thus, social inclusion of migrant sex workers revolves around the issue of nationality and right of abode; the marking of imaginary borders around enclosure and marginalization as well as the enactment of policies about privileges, responsibilities and openings which are entitlements of being citizens Lombardo and Verloo (2009:109).

In the last two decades, there has been a move by the E.U towards tyrannical migration laws and strict enforcement measures against migrant women amongst other disadvantaged groups which involves their exclusion from social structure Anjani (2005:5); policies aimed at addressing social exclusion and impoverishment in the E.U does not take into account issues that affect disadvantaged groups. Its' five strategies for lifting the citizens out of poverty and exclusion makes no mention of migrants (E.U. nd)

3.1.1. Justification of Social Exclusion

With the concept of social exclusion, I was able to critically observe the effects of the marginalization of Nigerian migrant sex workers in the Dutch Society in the area of employment, education, child care service, health, housing and access to social benefits. During my field work, I realised that many of the women were unable to access unemployment from the appropriate Dutch organization and had to recourse to volunteer work in religious organizations or they had to baby-sit so they could earn more money. Concerning health, I noticed the women did not have health insurance, in-fact when one of the women had to undergo surgery, because she did not have health insurance she was turned down at the hospital, the organization (VVF) had to source for funds as it was a major surgery before she was attended to in the hospital. With no mortgage or a regular source of income, the women cannot access mortgage facility and so have to live in poorly designed homes. In-ability to access social benefits means the women cannot live a full satisfying and fulfilled life in the Netherlands. Child care services is extremely expensive with no income, the women are incapacitated on accessing child care for their kids. I could see Amartya Sen's capability deprivation description in the lives of my respondents; they all desired to enhance their capabilities but lacked the means to do so. The concept enabled me to see how social structure and policies could negatively affect disadvantaged persons in the society.

3.2. Intersectionality

In-order to extensively comprehend the linkage between migrant sex workers and the discriminatory exclusionary attitudes towards them an intersectional framework analysis is imperative. Defined as a concept used to demonstrate how an amalgamation of social group affiliation and its uniqueness creates a distinctive social position which impact on global opinion, experiences and aftermaths Settles and Buchanan (2014:160). It earned reputation in the 70s as a result of representatives of the U.S. coloured feminist group expressing their displeasure at the various forms of brutality experienced (ibid:162). (Crenshaw 1991) as cited in Nielsen (2012:277) in defining intersectionality distinguishes between structural and political intersectionality's, she defined the former as a process which occurs when disparities and their interchange are absolutely significant in the daily happenings of persons in the society while the latter relates to how disparities and their interconnectedness are relevant to political scheming. In addressing the subtleties of

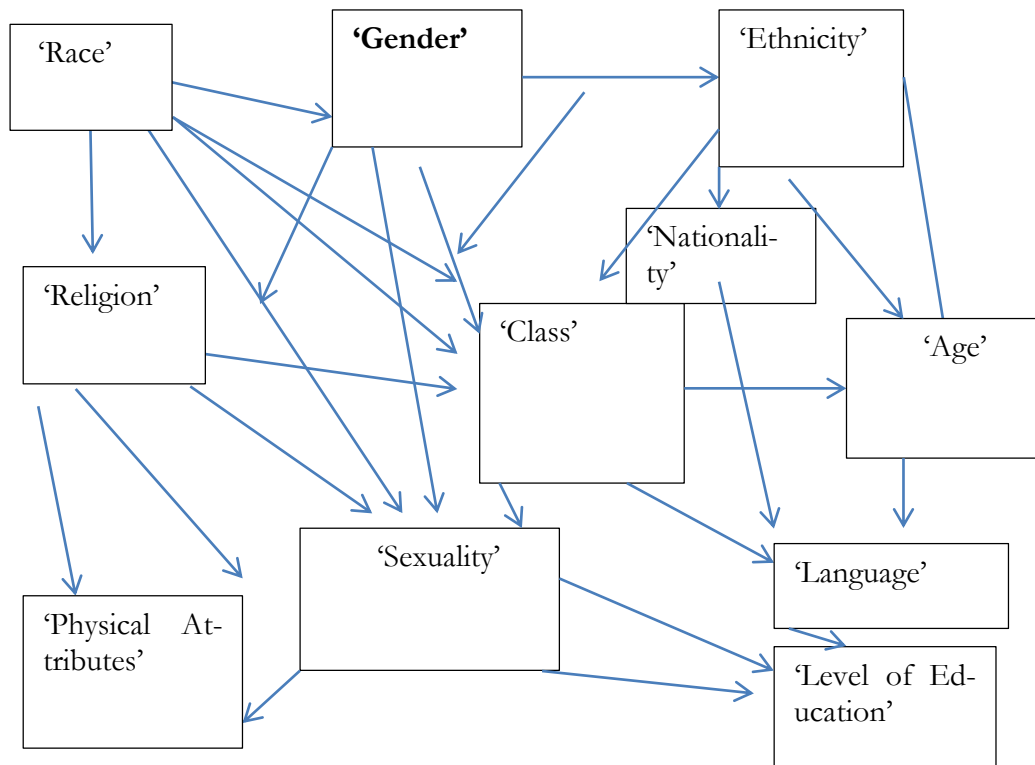
marginalization and injustice, (Crenshaw 1989) cited in Lombardo and Verloo (2009:479) impel lawmakers to ponder and proffer solutions to problems which occur when persons at the equidistant of diverse disparities are ignored. (Ferree 2009) as cited in Lombardo and Verloo (2009:479) pre-empt the negative outcomes of laws which give undue advantage to prejudice and discrimination while failing to address societal class structure responsible for discrimination.

In using the concept of intersectionality as one of my analytical frameworks, I assent with Knudsen (2006:61) who is of the stance that the theory is useful in appraising how societal and traditional classifications interconnect. Furthermore, an intersectional framework as defined by Collins (2005) cited in Katsulis et al (2014:2) is an exemplar in which ethnicity, social status, sexual category and age are jointly building power structures; In using this framework, I am obliged to analyse how exclusionary policies towards migrants are situated at the intersection of their various forms of subordination Lee and Piper (2013:1) as well as identifying the innumerable, coinciding, and jointly imposing subjugation these women experience in-addition to 'gender' Samuels and Ross- Sheriff (2008:5). Contemporarily, migrant sex workers are looked upon in ways that reflect the present social system of the Dutch society, the aftermath of their intersectional positions is their susceptibility to exploitation and abuse Settles and Buchanan (2014:161). An intersectional analysis reveals the women's vulnerability to illegal migration and sex work as well as identifying the multiplicities of identities (ibid: 2). (Ampofo et al 2008) cited in Katsulis et al (2014:19) argue that an intersectional framework focuses on the intricate and interconnected experiences which influences the lives of women and creates repression, benefits and breaks; hypothesizing women's occurrences from these manifold perspectives of perception creates fresh inquiry, subject matters, and elucidation; thus, enlarging and convoluting a breakdown of the past, 'political', commercial and traditional institutions which shape women's differentiated lives. Despite the merits of an intersectional framework, Phoenix (2006:24) is of the stance that the difficulty in examining intersections of various social structures is a major disadvantage of the concept, in conformity Verloo (2006:221) argues that the use of intersectionality is complicated as disparities are non-similar as a result of being differently constructed. Nevertheless, in using the concept I share the same perspective with Anthias (2013:3) who argues that an intersectional approach provides an indispensable framework in understanding distinctive concepts which 'homogenise' collective groupings; as it is an experiential tool for grasping barriers and rankings of general activities and existence. It demonstrates how social divisions interconnect in the creation of social interactions (ibid: 4). Additionally, in using the concept analytically Lee and Piper (2013:6) proposes; first, a social ontological approach where sexual category, ethnic group, tribe and social status determine how humanity is structured in addition to how categories of relationships are formed. Secondly, a level of approach where social groupings of discursive practice in the making of barriers and rankings: in this process, the classifications of persons according to sexual category, tribe, ethnic group and social status determine the yardsticks by which they are grouped and identified in the society (ibid: 7). Lastly, a concrete social interaction approach where persons form alliances to create a sense of belonging (Ibid:9); which has a profound effect in determining stages of social interaction as well as rights to claims and sense of belonging (ibid). In analysing political intersectionality (in this case Dutch Sex Work Poli-

cy) Verloo (2006:213) argues that there is a need to examine the structural mechanisms on how these policies create sexual inequality and marginalization; as the adoption of an ‘intersectional approach’ to matters pertaining to marginalization and discrimination promotes and sustains the evolution of a more comprehensive policy (ibid).

3.2.1 Justification of Intersectionality

Using intersectional analysis as one of my analytical enabled me understand how gender, race and social class intersect to make Nigerian migrant sex workers a disadvantaged group in the Dutch sex industry. Many of the women I interviewed during my field work expressed the negative way they are perceived and how they are always constantly harassed by law enforcement coupled with being mistreated by customers who would pay them far less than what would be paid their counterparts from other nationalities especially if they were from countries of the E.U as the buyers often told them to their faces that they were ‘cheap whores’.



A Diagrammatic Representation Showing the Interconnectedness of Intersectionality-Lanchart (2009:3)

3.2.2 Discourses around sex-work

Sex work is a fundamental societal action (Matthew and O’Neil 2003) as cited in Sanders et al (2009: 3) which has not always been viewed as abnormal as history shows that it first took place in a house of worship (ibid:1). Scoular (2004:343) refers to it as the ‘sine qua non’ of a woman’s status in a society led by men. Ancient denotations of the sex worker in writings, mass-media, civil and legitimate discussions have been riveted by the illustration of a slut which has controlled the conventional mental picture Sanders et al (2009: 2). (Pheter-

son1989) cited in (ibid) is of the viewpoint that a sex-worker is the archetype of the defamed woman, characterise by her in-purity and lewdness. Contemporarily, women especially migrant women who chose the career path of being sex workers are branded as wayward, falling outside the generally accepted standards of womanhood in addition to being progressively proscribed by the public, law enforcement officers and the dearth of a competent and efficient action by policy administrators and managers to tackle the complexities in the lives of women in the general framework of deprivation, world integration and commercial transactions which identifies how sex vends in consumer transactions. Despite an upsurge in the global entertainment industry, issues that pertain to the regulation and control of sex business are still considered sacred in many parts of the world (ibid: 2-3).

Breakdowns of legislations on sex work have engaged policy makers in debates on the most suitable policy. The past thirty years have witnessed the political leadership of many European nation-states decide on the appropriate measures to administer on issues that pertain to sex work. A modicum compromise exists however, on what should be the best appropriate model to adopt Barnett et al (2011:1). In discussing the legislations on sex work, I will discuss the Abolitionism model adopted by England, Neo-Abolitionism model adopted by Sweden and Decriminalization model adopted by New-Zealand.

3.2.3 Decriminalization Model –New Zealand

With the passage of the Prostitution Reform Act of 2003 (PRA) 2003, New-Zealand became the first nation-state to decriminalise sex work (Govt. of New Zealand 2012). Research done by (Plumridge 2001; Plumridge and Abel 2000) as cited in Abel (2014:2) revealed that before the enactment of the policy, the sex market was characterized by intimidation, abuse and brutality and even though sex-work was not prohibited but because of quite a number of restrictions and anti-sex work policies, it was unviable to trade sex. The aim of the bill was to afford sex workers the same rights and opportunities as other professionals to access social rights and benefits while also creating a safe and comfortable environment for the women. The regulation and control of brothels was under the purview of the local government authorities (ibid: 6). On the issue of trafficking in persons, the act prohibits the granting of travel permits to non-nationals who applies to relevant authorities on intention to operate a bordello (ibid:7). Proponents of the decriminalization policy upheld the policy and recognize sex workers as professionals offering indispensable services (Scambler 1997) as cited in Abel (2014:2) was of the standpoint that a decriminalized policy on sex work eliminates the abnormality of a gender prejudiced body of laws restricted to a specific field in addition to preparing the basis for the inclusion of all types of sex workers a rights to basic nationality.

3.2.4 Neo- Abolitionism – SWEDEN

The law which inhibits the procurement of sexual services came into effect on January 1 1999 in Sweden (The Law That Prohibits 1999) as cited in Ekberg (2004:1191). This law acknowledges it is the man who buys sex from a woman and thus should be punished; a major characteristic of the law is being gender-unbiased in addition to being a strategy used by the Swede government to eradicate sex work and the trafficking of women and girls into the sex industry (ibid), Wijers and VanDoorninck (2009:103). The Swede women's movement

canvassed for the policy after periods of surveying women's status in the society including the way and manner they were being expended by men; they agreed with the anti-sex work feminist on sex-work being a patriarchal tool of subjugation and coercion which had destructive effects on the women. This law was part of a legislative tool to prevent violence against women (ibid :1191). The anti sex work policy is aimed at punishing the buyers of sex as the women are considered as victims (ibid; 1192). It is believed by the Government that making the purchase of sex an illegal act would prevent the commodification and objectification of the female body and punish the men who are perceived as being responsible for women engaging in sex work. However, despite the positive intention of the Swede Government, analysts have doubted if the law has achieved its intended objectives.

3.2.5 Abolitionism – England

An ancient framework of sex-work policies in England includes 'regulationism', 'suppression' and 'welfarism' (Matthew and O'Neil 2003) as cited in Scoular and O'Neil (2007:765). Sex work is not a criminal offence; nevertheless, it is regarded as a confidential action between two assenting adults as no person can be punished for rendering private sexual services. Attempts were made in 1956, 1959 and 1985 to enact laws regulating sex work. These laws were enacted to control and crack down on a range of activities associated with sex-work for the benefit of general and social well-being in addition to maintaining moral tranquillity Barnett et al (2011:14), (Hubbard et al nd). During the preliminary review of the sex work policy since the Wolfenden Report[i] in 1957, there was a need for a new moral approach to safeguard women and children from sexual abuse with the intent to make profit Scoular and O'Neil (2007:765). Bowing out of pressure to reform the sex-work legislation, the Government in year 2002 reformed the existing legislation on sexual offence as it was antediluvian, incongruous and prejudicial; the ratified Sexual Offence Act (2003) came to be known as 'Paying the Price' (2004) and it took effect from May 2004. The law did not revolutionary change the government stance on sex work, but instead created a new misdemeanour –the sexual abuse of women for profit making in addition to making existing laws more gender-unbiased Barnett et al (2011:15),(Hubbard et al nd : 3). The amended act proscribed stiff penalties for persons who sets up a bordello. With the existence of so many pieces of legislation on sex work in-addition to an uneven and non-consistent enforcement which led to a series of calls by proponents of sex work campaigning for a reform in the sex industry on social benefits for prostitutes in addition to a rescind on laws stigmatizing them; these discourses have been inundated by debates which emphasizes sex work as a path to sexual and communicable diseases a cause of public mayhem and a form of gendered cruelty (Hubbard et al nd : 3). In year 2006,the government recommended a new plan of action aimed at reducing street prostitution and acts of sexual abuse of women for profit making; by year 2009 the Sexual Offences Act 2003 was amended again and named the 'Policing and crimes Act', and had the mandate to constrain payment for sex with a person compelled to engage in sex work in addition to permitting the court to shut down premises being used for prostitution related offences (ibid:17).

Finally, the absence of consistency in England's enforcement of sex-work policies implies that neither sex workers nor residents association are satisfied with the way sex-work is being regulated. (ibid: 16 -17). Contemporary policies in

England views sex work as gendered cruelty, yet much of the laws enacted to prevent exploitation in the sex sector over the last five decades has also forbade many aspects (Hubbard et al nd :22).

3.3 Migration and Sexuality

Migration is generally referred to as the passage of the borderline of a nation-state for a certain time period. It includes the flow of stateless persons, exiles and 'economic' 'migrants' (UNESCO 2014). (UN 1995) cited in Gulcur and Ilkkaracan (2002:411) recognise that one in every three men migrating is a woman thus supporting the claim that women have become ever more discernible in the international migration process as a result of the need to improve their socio-economic status and a demand for migrant women in the informal economy such as care and sex work in destination countries. Furthermore, global migration is attributed to the transnational economic restructure as well as the negative effects of neoliberal policies on developing economies by global financial institutions leading to loss of jobs mostly done by women (TAMPEP n.d); it is exacerbated by the increased rate of impoverishment and which has led to their vulnerability in the hands of unscrupulous persons in a bid to migrate for better socio-economic opportunity.

Agustin (2006:30) argues that the sex market in developed nations would always be 'open' to emigrant women because of their disparate needs and thus will use sex to obtain money (ibid: 32). She revealed that in a desperate bid to migrate many women actually approach smugglers who supply them with travel documents and on arrival in destination country, these women intermingle with tourists and other social agencies to actually obtain information about sexual and care agencies (ibid: 34). I found this to true as many of my respondents informed me that with their ability to network, they were able to obtain information about the sex industry and its modus operandi.

Despite the autonomy of quite a number of migrant sex workers, sex work is often merged with TIP despite not meeting the conditions of deceit or coercion Busza (2004:232); as sex-workers have been most affected by anti-trafficking measures regardless of their status as neither victims of TIP nor human traffickers Doezema (2005:62). Studies (Weitzer 2007; Agustin 2006) have noticed that oftentimes stakeholders are of the view point that sex-workers outside their country of origin are not utilizing their agency which is not always the case (ibid). The inability to identify the multifarious 'dynamics' as the reason why chose sex work and its arrangements lead to harm on the actual victims meant to be protected Busza (2004:232). (Manalansan 2006) cited in Baye (2012:11) assents that sexuality is determined by issues and theories which impact on the environment; as well as being used to understand the complexities of the sex worker and sex market. I found this to be true during my field work as even amongst the sex workers they grouped themselves according to their sexuality and status.

3.4 Dutch Debates on Rights and Justice for Migrant Sex Workers

Debates on sex work in the Netherlands indicates a trepidation on the bodily and psychological health, job and fundamental rights of sex workers especially migrant sex workers Kilvington et al (2001:79); as proponents of sex workers

rights have argued against the marginalization of migrants from the decriminalization policy thus obstructing their access to basic social services and exposing xenophobia that exists in the sex industry (ibid :87). Migrants' sex workers are not only exposed to prejudice but vulnerable to coercive migration legislations in destination nation states Bodi et al (2009:10).

Bodi et al attest to the fact that the European International Human Rights Law ensures that all persons in the E.U, regardless of social status are entitled to right to liberty, employment and freedom, right to the highest attainable standard of physical and mental health and right to freedom and movement (ibid:11); however, they also recognise the limited opportunities for migrants obtaining a job and habitation licenses in the Netherlands is low as a result of their illegitimate status (ibid:30). They advocate for justice for migrant sex workers include an unlimited accessibility to health care (ibid:38), a protection from deportation (ibid:46), elimination of barriers in accessing health and other social services (ibid:48); in achieving this, they urge policymakers to protect and respect the civil rights of migrant sex workers which should include but not limited to the right to movement and an equal protection and rights before the law, and advised that a framework be put in place that would allow migrant sex workers to obtain residence permit in-order to make them independent and eliminate exploitation in-addition to giving them the opportunity to participate in the design and implementation of migration polices (ibid:67).

Chapter 4 Migration and Sex Work: Voices from Netherlands

This chapter provides me the opportunity of bringing to this paper, the voices of Nigerian Migrant Sex Workers and their experiences in the Netherlands in relation to marginalization and intersectionality. In achieving this, I bear in mind the aim of my research paper which is analysing the experiences of Nigerian migrant sex workers in relation to their exclusion from the Dutch sex work policy

4.1. The Social Construction of an Illegal Migrant

The social construction of particular groups of persons recognizes their social processes as an embodiment of their daily lives (Burr 1995) cited in Lynn and Lea (2003:425). Labelled as an illegitimate migrant by the Dutch society implies that the women are locked into a cyclic, stereotypical 'logic' as all subsequent interpretation of their actions is in terms of the status to which they have been labelled (Jary and Jary 1995) cited in Lynn and Lea (2003:428).

The glitch with being an illegal migrant with no access to any social benefits is enormous for the women as they do not have the ability to exercise their 'human functional capabilities'; thus, based on Nussbaum (1999:41 & 42), migrant sex workers – do not have the ability to complete their life cycle due to myriad of health related problems such as HIV/AIDS, high blood pressure and mental related illness which due to their illegal status in the society, they are unable to seek medical help which ultimately leads to their inability to enjoy life. secondly, the lack of bodily strength and comfortable accommodation; thirdly, a lack of quality education that would endow them with the capability to be creative; fourth, the lack of freedom to move about without the fear of being apprehended by law enforcement as a result of being an illegitimate migrant or being raped by immoral men who view them as cheap sluts with no access to justice in the Dutch State; fifth, the inability to be loved and respected by the society and lastly the inability to plan their lives as a result of their exclusion from social privileges and lastly, the inability to participate in issues that concerns their environment, such as the ability to vote and be voted for. The inability of migrant sex workers to meet these criteria's which are prerequisites for 'central human functional capabilities reflects a failure of social justice; as (ibid) is of the stance that 'a life which falls short of any of the capabilities cannot live a 'fulfilled and comfortable human life'.

The status of the women was a major concern to the NGOs as many could not be given stipends and were already faced with threats of deportation by the IND. Although none of my respondents came through the desert or Mediterranean Sea as they all came by air but with falsified travel documents arranged for them by either a sibling or an acquaintance; all desired to have travelled properly with legitimate documents as despite being Nigerians, they have no prove of their nationality in a foreign land making them feel stateless.

'I came through Belgium from Lagos with aeroplane and when I arrived Belgium I came by train to the Netherlands with an old friend who assisted me with the travel documents free. Suffering was too much at home and she said I could make money from sex work, I was not happy about the job, but I was happy coming to Europe' (excerpt from interview with sex worker during field work).

'After I arrived here, I thought I would start making money from ashawo work² sharp³ but it did not happen that way. I managed to get work in a brothel, but customer will pay manager my fees; when it's time for 'action'⁴, he will not use 'ballom'⁵, at least I have to be protected, the last time I insisted, the customer slapped me and reported me to the manager, that was the last day I worked in the brothel. What was my offence? I wanted the use of ballon to protect myself; I later got to know that unprotected sex is more expensive and in order to make profit, brothel manager promotes it. I am more surprised that this experience that cannot happen to me in Nigeria is happening to me in a foreign land' But if I am Dutch, can the man slap me and I will not call police, is it not because I have no 'paper'⁶

The emergence of pluralisation and fragmentation of migration is creating a new migration characterised by new geographical patterns of migration, new kinds of emigrants with deviating legal statuses who are dependent on other means of existence other than formal paid employment or social benefits (Snel et al 2000) cited in Engbersen and VanDerLeun (2001:52). Illegal migrants are considered a social problem in the Dutch society (ibid: 54) and regarded as 'undesired illegal migrants' (ibid: 55). Contemporarily, they are viewed as villains, social benefits seekers and criminals (Johnson 2004) cited in Warner (2005:56). The illegal status of the women makes them susceptible to abuse and exploitations as in the bordellos where many of them secretly work they have incurred so much debt on subsistence living and cannot leave until debts are cleared, even if they could leave the possibility of being able to get another job is low as they do not have a valid residence permit.

The problem with many third world nationals is that they think Europe is a problem free paradise, I beg to disagree with them, we have an army of problems in Europe but we have only learnt to hide and beautify our problem. Many of the women come here with extremely high expectations of making money but they are often at a disadvantage because they are not registered and thus have no access to social protection. The stipends we try very hard to assist them with are from the church and that does not come regularly. Being a refugee or an illegal migrant in the Netherlands is hard' (excerpts from interview with social worker during field work)

If I had a working permit, I would be able to go uitzien bureau or one of the cleaning services company and I am sure they would be able to assist me with a job, at least with a good job, then I can pay off my debts. But with no residence permit, I have no choice but to remain hidden and keep paying my accumulating debts'' (excerpts from interview with sex worker during field work)

(Lucile et al 2005) cited in Baye (2012:22) concurs and argues that as a result of the illegal status of migrant sex workers which place them in a low or no bargaining position, they are more susceptible to assault, intimidation and injustice.

Many of these sex workers experience many problems with persons and authorities, often times a few of them having no one to turn run to the church for help such as the payment

² Ashawo- Nigerian Pidgin English word for sex worker

³ Sharp Sharp- Nigerian Pidgin Word for Very Quick

⁴ Action- A Nigerian Slang for coitus

⁵ Ballon- A slang for condom

⁶ Paper- A Nigerian slang for legal residence permit

of fines, financial and psychological assistance' (excerpts from interview with Pastor Reconciliation and Restoration Church Den Haag)

'Dutch Police investigations revealed that majority of Nigerian migrant sex workers are trafficked victims. Operation koolvis further revealed that either the women were telling lies or they were giving contradictory and false information about their traffickers; the sad thing is if after the reflection they do not cooperate with law enforcement, they are deported which is an injustice considering the myriad of problems already encountered by them in the Netherlands. I think it's a huge problem and more needs to be done by the Government of Nigeria (excerpts from interview with a Senior Dutch Police Officer).

4.2 Pattern of exclusion and intersectionality- process and problems

4.2.1 Work-place Condition

The work environment of migrant sex workers reveals how gender, class and nationality intersect thereby marginalizing the women in the sex market.

A number of my respondents revealed that they borrowed money to travel to Europe and they are under intense pressure to return loaned money while at the same time their families left behind in Nigeria expects remittances. Furthermore, they revealed how they wish to work legally even if it means working legally as a window prostitute, but since they are incapacitated as a result of the sex work policy, they are left without the capability of choosing which clients to attend to or which clients to refuse, they also cannot report any abuse because of their illegitimate status.

'I cannot believe I have to cheapen myself. I cannot make a choice as I have to service⁷ every customer that shows interest in me, no matter how old or young because I need the Euro⁸. You cannot imagine where I work from, no good mattress, as one time I was servicing a customer and the bed broke, many times the illegal bordello I work from, does not have electricity, as a result of non -payment of electricity bills to Eneco, The house is often dark so I have to use other instruments to light up my space' (excerpts from interview with a sex worker)

The Netherlands have specific rules that needs to be put in place for a brothel to be registered by the Gemeente, one of such several is the actual number of rooms or persons to be resident there in case of an unforeseen circumstance such as if the building catches fire, persons can be properly accounted for in addition to payment of license fees, which leads to expensive sexual services. The illegal brothels where the migrants work from do not meet many of these specifications leading to dirty and bad working conditions in addition to clients disrespecting the sex workers for the main reason that they are migrants and have no rights in the Dutch State (excerpts from interview with social worker).

A few of my respondents expressed frustration and extreme bitterness that inspite of more than 5 years on working as a sex worker they have not been able to remit considerable amount of money back to Nigeria thus wasting their efforts and energy in the Netherlands. They confided in me that they were quite better off as a result of giving false information that they were trafficked

⁷ Service-Sexual Acts

⁸ Euro-European Currency

to the Netherlands, with their false identities they had access to food stamps, and subsistence allowance. But investigations carried out by Dutch NGOs and Law enforcement as well as the strict anti-trafficking policies in place, their real status were revealed leaving the Dutch authorities no option but to deport them back to Nigeria.

“The present European Union policy makers do not support migration as a result of the pressure immigrants puts on the social system and thus are seeking for ways to ‘evict’ persons out of the E.U at all costs. It is a pity that these women have to be deported with nothing from the Dutch Government or the IOM as they are not victims of TIP” (Excerpts from interview with Social Worker).

“I have worked for a while with nothing to show for it in Europe, well I am sad because when I get home and people come to knock on my door to ask what I brought back, I have nothing to give them”. (Excerpts from interview with sex worker)

“I know I am going to be deported but I will find my way back to Netherlands or any European country, there is no future for me in Nigeria, how will I cope without a job or money. In the Netherlands with One Euro or 50 Cents at least I can buy bread in Albert Heijn, what will One Naira⁹ or 50kobo¹⁰ buy me in Nigeria-Nothing! (excerpts from interview with sex worker).

“The Nigerian Government have not been able to find the girls kidnapped by terrorists in the month of April nor put an end to incessant bombings, coupled with no light and facilities. I want to remain in the Netherlands, I am pleading with VVF lawyers to please assist me if I can be allowed to stay back on humanitarian grounds because of these children that I gave birth to in Netherlands, and they are ‘Dutch’. How will they cope in Nigeria? At least me and my husband we have been managing in Netherlands with the little allowance and earned money. How will I survive in Nigeria?” (excerpts from interview with sex worker).

“Many of these women when they are told they will be deported, ‘they get married’ and they are pregnant and then they plead to be allowed to stay on humanitarian grounds because of pregnancy. In the Netherlands we do not work that way, they will be deported to Nigeria and taken to NAPTIP. In fact NAPTIP wrote to the Dutch Government informing her that she has the capability and capacity to rehabilitate and reintegrate rescued sex workers; so we are simply taking them to where they will receive assistance from their country. I wonder why they are so adamant on not wanting to return to Nigeria’ (excerpts from interview with social worker).

“In the Netherlands if you claim you are a victim of human trafficking, there are certain prerequisites that must be met before any ‘victim’ can qualify for the residence permit. First a police report confirming this and also a report from a medical practitioner indicating that a person has been abused and thus needs to be granted a residence permit’ (excerpts from interview held with an IND official).

⁹ Naira-Nigerian legal Tender, One Euro is equivalent to 210 Naira

¹⁰ Kobo-Nigeria Legal Tender, 50 Kobo is approximately 0.5 Cents

Oftentimes, the inability of a woman to prove that she has been a victim of human trafficking is difficult as the police and NGOs are aware that illegal sex workers often lie that they are trafficked. Thus, obtaining a report from the police or medical practitioner would be difficult as none of these persons wish to write a report that could jeopardize his career.

‘The problem now is that many NGOs in Netherlands have stopped working with Nigerian victims anymore as they do not know if they are real or false victims. There have been many instances where women would come with bruises and tell stories of how they have been victimized; then shop and other NGOs put in all their efforts and strengths, contact SHOP NGO who accelerates the residence permit process and once the women obtain the permit, they start working as hidden sex workers and once this is noticed, a set of investigations start all over which many times reveals that the women were not actually trafficked victims but sex workers who lied about their true identity, as a result of this, most organization have stopped working with Nigerian victims’ (excerpts from interview with social worker)

I argue that the intersection of gender, race and ethnicity have been used to discriminate against Nigerian migrant sex workers. These discriminations are as a result of the class they belong to in the society thus forcing many of them to tell a lie that they are victims of TIP in-order to be able to at least have a sense of belonging in the Netherlands. Many of the migrant sex workers were actually exploited by traffickers in the Netherlands who promised to help them with legal habitation permits-

‘I met him (trafficker) in Holland Spoor¹, he was from my tribe so I felt very at home with him. I told him about my plight and how I was not earning enough money in the Netherlands. He told me there was market in Belgium, so I followed him. I was placed in window prostitution in Belgium, while he was my pimp. He always takes my money, when I tried complaining to him, he assaulted me, that night I took a train back to the Netherlands and went straight to kariboebii for help’

Migrant sex workers like victims of TIP face insecurities in the Netherlands, which ultimately leads them back to the hands of their exploiters for aid thus giving room for further abuse and exploitation.

4.2.2. Violence Experienced by Migrant Sex Workers

My respondents all gave accounts how at one time in the course of their job they had experience violence from customers and to their surprise law enforcement. Many occurrences of violence were attributed to either a refusal of sexual advances or a refusal by a client to use a condom and also the inability to pay brothel owner for space.

‘I was raped by a customer because I urged him to use a condom and there was no one I could tell about it’ (excerpts from a respondent)

‘Many of the women experience violence because they are unaware of their rights, even though they are illegal migrants; women in the Netherlands are respected. The violence is a

result of their not being able to negotiate their stance coupled with the fact they have a low self esteem because of their illegal status' (excerpts from interview with social worker).

Migrant sex workers as a result of their vulnerability experience various challenges in bargaining work place violence, many of which exposes them to an increased risk of STIs, rape, assault, HIV and poor reproductive health Goldenberg et al (2014:1). Even-though bodily, economic and sexual violence experienced by sex workers has occasionally been the focus of general or intellectual interest, studies (Kurt et al 2004, Lowman 2000) have authenticated that sex workers experience abuse from pimps, customers, owners of bordellos and law enforcement officers Sanders and Campbell (2007:1), Watts and Zimmerman (2002:1236). In conformity, (Kinnell 2006) cited in Sanders and Campbell (2007:2) reports that in the last ten years more than four scores of sex workers were killed, which proves that sex workers are more likely to be killed while performing their job than any other professional occupation; the reason attributed by perpetrators is their being outside the security of the legal structure Kurt et al (2004:358). Violence experienced by sex workers in all forms are multifaceted and linked to gender inequality, neoliberal economic policies and impoverishment; interpersonally, violence is caused by underlying forces which includes brothel condom use policy and level of rapport between sex workers and customers Choi (2011:36).

'Most people from home who are now in Europe, once they get to know you are a sex worker they stigmatize you. I feel terrible when I am looked down upon not only by clients who many times want you to engage in unimaginable sexual acts with them not respecting your choice. Can I even make a choice in this Dutch land' (excerpts from interview with sex worker)

As a result of the clandestine and 'stigmatized' nature of their work and their illegal status, migrant sex workers are rarely able to choose the circumstance under which they will work and the kinds of hazards they would be exposed to, as issues such as drug obsessions and housing problems may increase and complicate the likelihood of exposure Katsulis et al (2014:2). Furthermore, (Ward et al 2004) cited in Choi (2011: 34) argues that because of racial bias and their unlawful status as undocumented migrants, negotiating safe sex would be problematic for the women. Concerning the health of these women, (Sanders 2004) cited in Choi (2011: 35) claims that the health dangers the women are confronted with are manifold and intersecting; psychological damage caused by the objectification of their bodies, risk of illegitimate pregnancies and abortions constitute a full range of health services that sex workers face on a daily basis (O' Connell 1998) cited in (ibid).

'it is a sad situation many of the women are either exposed to or have been inflicted with STI's. Getting an appointment with a medical personnel is difficult because they many times do not have health insurance and in this country without a health insurance, health care costs are extremely expensive' (excerpts from interview with social worker)

Globally, migrant sex workers are at high risk of contacting the HIV infection as often times they are confronted with precarious situations where they do not have access to protective contraceptives, HIV avoidance information and sexual health services. Factors responsible for their vulnerability include but not limited to language barrier, illegal status leading to an inability to access health

insurance (WHO 2005). Violence experienced by migrant sex workers is a demonstration of the prejudice and bias against the profession (ibid).

Chapter 5 Conclusion

The aim of my paper was to analyse the experiences of Nigerian migrant sex workers in relation to their exclusion from the Dutch sex work policy. In understanding the policy, I gave a preamble of the factors that necessitated its enactment and the history of the policy in-addition to structures being put in place such as the office of the Rapporteur on TIP to address TIP in the legalised sex market. I went further to state my research aim and my research questions. In My subsequent chapters I respectively dealt with discourses on sex work and human trafficking as well as the various stances on sex work. I went further to link my analytical frameworks with the experiences of Nigerian migrant sex workers in the Netherlands as well as discussing different sex work legislative regimes in New-Zealand, England and Sweden. In my chapter four I brought the voices of the sex-workers as well as my other respondents to the paper. In my final chapter, I will conclude, respond to my research questions and proffer recommendations.

The Dutch Sex Work Policy is immersed in a wide range of complexities which is centred on gender, sexuality, money, migration and work. Female sex workers migrate from countries of origin where their occupation is stigmatised to Europe 'a land of better opportunities' only for them to be excluded from the sex work policy while on the other hands elites are welcomed with open hands because it is believed they have something productive to contribute to the Dutch economy. Effects of sex work exclusionary policy on migrant women are enormous, a consequent of which a significant number of the women presently are afflicted with mental related ailments, lack of good housing, inability to access medical care and lack of substantial employment are also effects of being excluded from the policy Agudelo-Suarez et al (2011:2). The policy was to serve as a tool in wiping out the trafficking of women for commercial sexual exploitation, location and prosecution of traffickers; but on the hand, migrant sex workers as a consequent of their illegal status have no other choice but to work in the illegitimate and unseen sex market where they remain susceptible to trafficking and abuse. Efforts at eliminating the TIP through the policy have not achieved its intended objectives as women are still trafficked and compelled to work in the sex industry; while on the other hand, the exclusion of migrant sex workers from the decriminalization policy has led to their active participation in the illegitimate sex sector at their own peril.

The European Commission's approach to TIP which the Netherlands is a party to is a 'human rights' and 'gender' approach with a central point on deterrence, the provision for the trafficker to face justice for crime committed as well as assistance to victims of TIP (E.C. 2013). Nevertheless, the term 'human rights' and 'gender' are political tools to feign a commitment to these principles. Hence, it is not surprising that the practicability of its stance on these principles are absent in the Dutch Decriminalization Policy.

The Nigerian migrant sex workers have been exposed to vulnerability and exploitation as a result of restrictive immigration legislations, a lack of legal protection for migrant sex workers, exclusion from the sex work policy, unqualified status in accessing legal habitation permits thus hindering their chances of working without harassment, inability to negotiate a safe working condition such as condom use and sex style, constant harassment from law enforcement,

the inability to access health care facilities, physical violence from pimps, customers, miscreants and even law enforcement, marginalization from social benefits and constant fear of deportation Brussa (2009: 39 -43). These vulnerabilities and exploitation experienced are linked to the Dutch decriminalization policy, because two of the major goals of the policy addressed the issue of human trafficking, they are – a) the bettering of the fight against the ‘exploitation’ of forced sex-work and b) to eradicate or reduce to the barest minimum the extent of sex-work by illegitimate migrants Daalder (2007: 25). Presumptions of the sex work policy was that it would reduce to the barest minimum the trafficking of women who were migrating to the Netherlands solely for the purpose of prostitution Osmanaj (2014:108) as well as create a better enforcement and detection capability for arresting traffickers and rescuing victims of trafficking Daalder (2007:27); as existing debates and discourses informed that all migrant sex workers were trafficked victims in-addition to the inability of migrant women to choose sex –work out of their own free will Pitcher and Wijers (2014:1), Hubbard et al (2008: 137). In view of this, (Goodey 2003) cited in Hubbard et al (2008: 140) was of the stance that this necessitated the need for nation-states in the E.U to legislate on sex work in order to strategically disorganize and dismantle the trafficking chain which comprised of traffickers, madams and employees. In agreement, (Munro 2005) cited in (ibid) reported that these laws involved strict monitoring of sex workers, some of which comprise a close scrutiny with the objective of discovering hidden networks in the sex industry, directives to be deported which pushes many migrant sex workers to return to country of origin in-addition to their marginalization and a repudiation of legal habitation permit for them. Thus, ultimately the law ensured that migrant sex workers were left out of all social benefits and entitlements their counterparts from the EU had access to.

The impact of prejudice experienced by the migrant sex workers in accessing privileges and rights from the Dutch State are enormous and have already been mentioned; these barriers exists as a result of their marginalization from the existing sex work policy and also the new migration policy. The inability to communicate in the Dutch Language constitute a barrier as agreements and loan policies are written in the Dutch coupled with other factors such as their poor educational skills coupled with a lack of social support Roguski (2013:30).

Agency refers to the women’s ability to make informed decisions concerning the use of their bodies Saunders (2009:9). In creating their agency, despite their exclusion from the sex work policy, the migrant sex workers are mindful of being defamed by law enforcement in addition to ensuring they are invisible while also making sure they do not work in the same brothel for as long as 6 months; this is an approach developed by the women to ensure they can easily move in out of their occupation without being stigmatized Ham and Gerard (2013:11). The women choosing to be invisible serve as a pre-emptive strategy to ensure mobility, agency and the ability to work for a long period of time in the illegal sex market and in avoiding the preying eyes of law enforcement. The ability to remain hidden serves as a procedure in enhancing their low status in the society (ibid).

The exclusion of migrant sex workers reflects how discrimination and inequality are institutionalised thus reflecting the norms and practices of society which ought to promote human rights (E.U 2013). The major effect of their exclusion is their vulnerability to exploitation but it also created in the women the ability to determine their agency.

My study revealed that- Nigerian Migrant Sex Workers have an illegitimate status thus exposing them to police harassment, trafficking and a myriad of other problems, the Dutch Government through her 'New Migration Policy' seeks to only attract migrants who it believes can rapidly develop the Dutch Economy in addition to how many of the women seek illegitimate means to migrate in order to improve their socio-economic status.

Recommendations

I hereby recommend that:

1. The Nigerian Government create mechanisms that create social and economic opportunities for low-income women in-addition to women with low educational skills or no skills. Impoverishment reduction programmes should be transparent and targeted at appropriate persons.
2. Migrant sex workers from outside the E.U should be granted access to work in the sex industry. If this is done, there would be no need for illegal brothels that would foster TIP.
3. The Dutch Government formulates an inclusive policy for migrant sex workers in the Dutch Sex –Work Policy, as this would in the long run lead to the eradication of trafficking.
4. Free health care for migrant sex workers, where they are trained on how to access health care in the Netherlands, how to prevent STI's and how to negotiate condom use with clients.
5. For sex workers who wish to return back to Nigeria, adequate mechanisms should be put in place to ensure that the women are not stigmatised in addition to ensuring concrete procedures are in place for their effective reintegration.

My research contributes to Theory as it demonstrates the exclusionary effects of policies on disadvantaged persons in the society.

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Appendices

**Annexe 1: Maps, Articles on Nigerian Migrant Sex Workers and Pictures of
Sex Workers Demanding Their Rights.**

Map 1:1 Map of The Netherlands



Source: infoplease 2014

Map 2: 2 Map of Nigeria

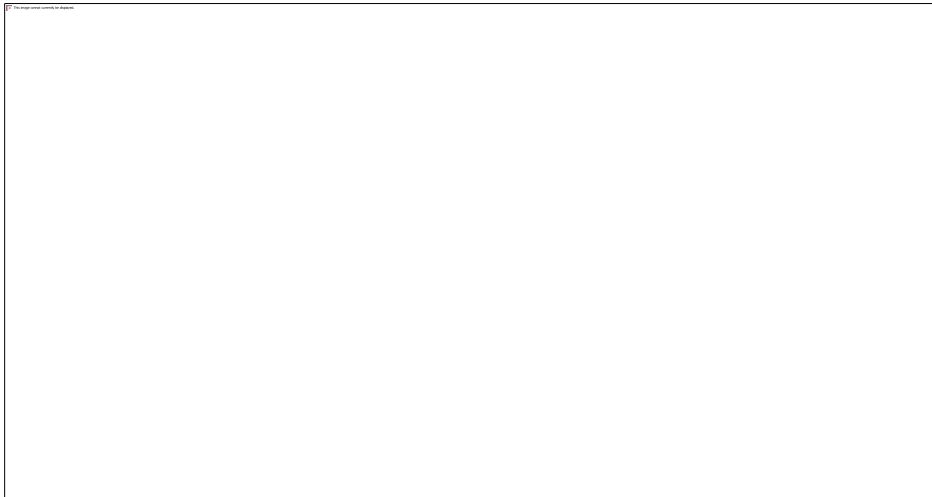


Figure 1.1 Sex Workers in Nigeria Demanding Their Rights

“Sex is work too” – Nigerian prostitutes protest on the streets of Lagos

By Omotola Filani on August 4, 2014@dailypostngr

A female prostitute, Patoo Abraham has led protest in Lagos to seek a better lot for prostitutes in Nigeria. The 48-year-old is seeking to ensure that prostitution is legalized in Nigeria and that sex workers be protected and respected.



The mother-of-two, who heads the Nigerian chapter of African Sex Workers Alliance (ASWA) and the Women of Power Initiative (WOPI), led protests with the demonstrators wearing T-shirts screaming “Sex work is work, we need our rights”. We are tired of dying in silence; we want to be able to practice our profession with pride like every other person. We want an end to name-calling and stigmatisation. We are sex workers and not asawo [a derogatory Yoruba name for prostitutes]“, She told Aljazeera. “Sex work is normal work and there are sex workers everywhere under one form of dis-guise or the other. The government should stop criminalising our work”, she further said. Patoo also stated that she is proud of her profession as it is not different from any other trade.

1.2 Strengthening the Nigerian Human Trafficking Law



TACKLING HUMAN TRAFFICKING IN NIGERIA

12 Nov 2013

The law against trafficking must be strengthened

An International conference on trafficking in women and children was held last week at Terra Kulture, Lagos with the theme: “Women and children as new tools of trade in the 21st Century: Exploring policy, research, community and legal frameworks for addressing human trafficking.” At the sessions, several of the speakers described how the human trafficking victims - mostly hapless young women and girls in the age bracket of 10-21 years - are deceptively procured by some barons through their Nigerian agents. They are thereafter trafficked to different countries abroad where they suffer sexual exploitation, emotional distress, disorientation, depression and sometimes death.

The tales of what most of the victims go through are as gory as they are heart-rending. For instance, a social worker counselling some of the rescued girls detained at one of the shelters of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) narrated how a 13-year old girl who was trafficked and detained at a certain sex camp abroad managed to telephone her mother and tearfully narrated how her traffickers were forcing her to “carry” at least six men every day. But the hapless mother could only advise her to continue to bear the burden.

What is even more disturbing is that this most heinous crime is no longer restricted to people. The growing trend now is trafficking in human organs and women embryos. At the conference, one of the speakers shocked the participants when he narrated how some Nigerian women are usually administered drugs that cause ovarian hyper stimulation in order to extract their eggs. In what was described as a booming trade, some women in Abuja are said to be selling their eggs for the sum of N500,000.

Beyond mere lamentation, now is the time for all level of governments, non-governmental organisations (NGOs), Churches and Mosques to pull resources together to effectively tackle the human trafficking scourge and its allied crime of organ trafficking. It is obvious that NAPTIP seems overwhelmed by the enormity of the challenge. Therefore the agency should seek the partnership of foreign human trafficking experts to assist it in the surveillance and monitoring of our porous border.

Figure 2.1 A picture showing sex workers demonstrating for their rights



Figure 2.2- A campaign organised by the 'Naked Anthropologist' – Laura Agustín in Paris on antithetical sex work policies in Europe



Picture 2. 3: An enlightenment slogan on sex work



Figure 2.4 A campaign for recognition of sex work in Austria



Annex II- Interview Questions

Interview conducted with migrant sex workers 21st to 25th July 2014

1. Are you married?
2. Do you have children, if yes, how many?
3. What is your present employment status?
4. What is your educational qualification?
5. How did you arrive to the Netherlands?
6. Did anybody assist you in coming the Netherlands?
7. Did you take any oath or did you swear at any shrine
8. Did you work for anybody on your arrival in the Netherlands?
9. What was your main purpose of coming to the Netherlands?
10. Were your expectations met when you arrived to the Netherlands?
11. Can you describe your experiences working as a sex worker?
12. Did you give your earnings/money earned from ex work to anybody?
13. What were the conditions you were exposed to while working?
14. If you had a choice, what would you have done differently??
15. If you had better opportunities, would you still have travelled to the Netherlands?
16. Do you have a valid Dutch Residence Permit?
17. If Yes, how did you obtain it, despite not having a valid Nigerian Identity Document? If no, how have you being able to avoid being arrested by law enforcement

Interview with Senior Dutch Police Officer on 17th July 2014

1. Years of work experience:
2. Work location:
3. What is your perception of Nigerian victims of human trafficking?
4. What are some of the challenges encountered in dealing with them?
5. What are the procedures involved in investigating if a woman was actually trafficked to the Netherlands?
6. What are some of the bottlenecks you have encountered while investigating cases of human trafficking from Nigeria.
7. As a law enforcement officer, what do you think can be done to reduce to the barest minimum the trafficking of Nigerian women abroad for commercial sexual exploitation?
8. What are the social and economic implications for the commercial sexual exploitation of these women?

Interview with social Workers held between 4th to 8th August 2014

1. Name of Organization
2. What is your perception of Nigerian victims of human trafficking and migrant sex workers?
3. Do they exhibit fear of any kind?

4. Are the women trained in any skilled acquisition while at the shelter?
5. What are the obstacles encountered in obtaining residence permit for the victims of human trafficking
6. What are the social and economic implications of the commercial sexual exploitation of these women?
7. Are there mechanisms in place to monitor women who have been deported back to Nigeria?

Interview with religious leader on 19th August, 2014

1. What is your perception of Nigerian victims of commercial sexual exploitation and sex workers?
2. Why do you think the women are easily lured to become prostitutes abroad, despite high moral teachings in Nigerian schools and churches?
3. What can be done to reduce to the barest minimum Nigerian women travelling abroad to work in the sex industry?

Interview with IND Officer on 28th August, 2014

1. Why has it been so difficult to give permanent residence permit to victims of trafficking?
2. Why are victims of trafficking who are supposed to be protected threatened with deportation?
3. What are the recent collaborative efforts in fighting the trafficking of women amongst countries of the E.U.

Annex III Profile of Informants

1. Senior Dutch Police Officer with 22 years' work experience in human trafficking and transnational crimes. In 2006, he participated in 'Operation Koolvis', a secret criminal investigation that led to the discovery and arrest of traf-

fickers responsible for bringing Nigerian women to Europe for compelled sex work.

2. A religious leader with the Reconciliation and Restoration Church The Netherlands. He has ten years' experience in counselling and offering spiritual advice to Nigerian migrant sex workers and rescued victims of all forms of human trafficking.
3. IND official with 9 years' work experience.
4. Lawyer with 7 years' work experience at VVF
5. Lawyer with 3 years' work experience at VVF
6. Project leader at VVF, 10 years' work experience in soliciting funds to assist migrant sex workers and refugees in Netherlands.
7. Project leader at Kariboebibi/STEK with 9 years' work experience.
8. Social worker with 7 years' work experience at VVF.
9. Social worker with 3 Years' work experience at VVF
10. Social worker with 5 years' work experience at Fier Fryslân Leeuwarden Netherlands
11. Migrant Respondent 1- 33 years old from single mother of a daughter, from Lagos state Nigeria.
12. Migrant Respondent 2 – 30 years old mother of 4 daughters, from Edo State Nigeria
13. Migrant Respondent 3 – 35 years old, single mother of a mulatto son from Nigeria
14. Migrant Respondent 4 – 33 years old from Nigeria
15. Migrant Respondent 5 – 37 years old from Edo State Nigeria. Hairdresser at Holland Spoor The Hague Netherlands.