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Opinion | Inhumane and illogical treatment of us sex workers

Susanne Møller
February 17, 2013 - 07:00



As politicians – both real and fictional – look at prostitution laws, the spokesperson for sex workers' union argues that women in her field need legal protection

In one of the recent episodes of the political drama 'Borgen', the lead character Birgitte Nyborg was first in favour of criminalising prostitution, but then changed her mind and supported giving rights to sex workers. Among real life politicians, we're fortunate to be able to find lawmakers that feel the same way. These MPs have three main tasks if they want to accomplish their goal. Firstly, they need to undo an enormous mistake that was made as part of the 1999 legalisation of the sex trade. Secondly, they need to



modernise laws preventing organised prostitution. And lastly, they need to make sure that the few legal rights we do have are protected.

When the sex trade was legalised in 1999, the change wasn't a matter of a change of heart about whether it was acceptable. It was a change of tactics that approached prostitution as a social problem. So while lawmakers made it legal in one respect, they didn't make it legal in all respects. Today, that decision seems incomprehensible. Business regulations, labour rules and social services should protect people. Why not extend these protections to sex workers, especially if their trade is considered to be a social problem? If that's the case then we should be some of the people in most need of legal protection.

Sex workers, for example, don't have the right to sign up for unemployment insurance. Only the fewest of us would be likely to take advantage of that opportunity if it were available, but there are some that would. For those that did, it would be a way to get help if they wanted to take classes to learn a new trade. Yet, that's not permitted – even though parliament is nearly unanimous in its desire for us to change our careers. Instead of letting us go through the existing channels, parliament comes up with one costly exit programme after the other. Each just as ineffective as the last.

What's more, we're not allowed to enter into binding contracts. This is a major hindrance that would help alleviate many of the practical problems that instead wind up turning into cases of human trafficking. Such is often the case with many foreign sex workers. They get help to come to Denmark, and then once they get here they wind up disagreeing with their handlers about what the deal was.

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The next problem is the ban on organised prostitution. The common perception is that the ban protects us by making sure that anyone who makes money off our work gets punished for it. Not only do these people get punished, it was never the intent of the law that they should. The ban was intended as a way to protect public decency, and this is why the state hangs on to the money it confiscates in cases of organised prostitution, instead of giving it back to the sex workers it was taken from.

It isn't illegal to make money from the work performed by sex workers, and it is impossible to make it illegal. If it were, then the stores that sold us the items we use in our work would also need to be punished. What winds up getting punished is the act of organising sex workers. That would include a woman that runs a brothel, even if what she did was to make a schedule of who works when. Such a schedule is a practical help that we sex workers want; nevertheless the person that draws it up is violating the law, even though she's not exploiting us.

The ban on organised prostitution should be thrown out, in the eyes of sex workers' union SiO. We know that this worries many, but in order to allay those fears we propose that the law preventing someone from hiring another person as a sex worker be kept. By doing so, we'd make sure that the unemployed, for example, weren't required to apply for jobs as prostitutes. It also means that should a woman who runs a brothel try to boss a sex worker around as if she were her own employee, she could be prosecuted. The change would provide real protection for sex workers, not keep alive some outdated notion of public decency.

This position marks a change of SiO policy. Previously, we demanded the same rights as everyone else. Our change is partly in recognition that some people do have concerns. But it is also partly due to the general assumption that sex workers are employed in some enormous industry, and that this is some kind of labour conflict. The reality is quite different. Individual sex workers are required to be registered businesses (for tax collection purposes). In reality, we are an industry of 2,000 owner-operated companies, and we like it that way. We don't want anyone bossing us around and want to maintain our flexibility and our right to decide over ourselves.

Lastly, we want the rights we theoretically do have to be respected. In the episode of 'Borgen' mentioned above, they talked about the police practice of accompanying tax officials when they call on brothels. During those inspections, the police, claiming to be protecting the tax officials, carry out illegal searches. Unfortunately, this is how it happens in the real world too. Such searches are a violation of our rights, and the only reason the police do it that way is because they have no real grounds to suspect us of anything. If they did, they'd be able to secure a warrant. It's a myth, though, that our business is more criminal than any other. We'd like it if the police stopped tapping our phone calls, unless they, for a change, have reason to suspect serious crime. It would also be nice if the tax authorities started treating us professionally. They have no reason to, year and year out, place us high on their list of suspected tax cheats. That they do so is pure discrimination.

It is inhumane and illogical that at the same time as people say they want to protect us, they also violate our basic human rights. No wonder Birgitte Nyborg changed her mind.

The author is the spokesperson for sex workers' union SiO.

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"Sex workers, for example, don't have the right to sign up for unemployment insurance. Only the fewest of us would be likely to take advantage of that opportunity if it were available, but there are some that would. For those that did, it would be a way to get help if they wanted to take classes to learn a new trade. Yet, that's not permitted – even though parliament is nearly unanimous in its desire for us to change our careers. Instead of letting us go through the existing channels, parliament comes up with one costly exit programme after the other. Each just as ineffective as the last."

Just a paragraph. But to the rest of the article, I can only say, D'uh!

It's next to impossible to change career or at times even just job if you are trapped in your present job or if it's impossible to seek a new one and be hired; or if you are stigmatized and harassed in your present place. Well-meaning (or otherwise) restrictions on what you can do, work-related, do that.

One reason sex workers are rather harmed by do-gooders and moralists who prevent them from leaving their trade. One reason the Scandinavian model for the job market does work and that of Southern European countries does stink. One reason why immigrant workers, students and people with attached / reunification visas have it difficult, not to be exploited at work, abused, or plain out of money, wherever there are blanket restrictions as to what they can do.

Work might not be a human right, as in having a right to a job. Getting your choice of food might not be a human right either. But! Preventing you from working legally and with benefits, or from procuring food, what about it is NOT a civil and human rights' violation?

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**SNCO**

Just curious, are there any prostitute character actors at places like "Den Gamle By" in Aarhus or "Den Fynske Landsby" in Odense? And surely there should be some "hookers" in period costume walking the streets and leaning on the street lamp poles near "H. C. Andersens Hus?" And if no, why not? Surely this is a clear case of sex worker discrimination, plus Danish and foreign tourists have a legitimate right to see touching interpretations of Danish nineteenth century hookers in action. Sounds like SiO is failing in their ability to be not only job protectors, but job creators as well. And what can Helle and Denmark do to capitalize on this? Perhaps a new "sex worker museum" in Kongsby? Can't wait to see what sort of controversial painted art exhibition they might have there; on second thought I'll pass.

4 hours ago

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**TheAuthorities**

Thanks for this article - always interesting to read about a topic that attracts a lot of attention and judgement without much background or understanding.

12 hours ago

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**Hamish Carey**

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