



Resisting “Manufactured” Vulnerability: Discretionary Policing and Migrant Sex Workers’ Resistance Strategies in Malta

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Sex work in Malta operates within a complex legal framework where the act of selling sex is legal, but associated activities are not. Legal ambiguities create a semi-legal space in which sex workers navigate both legal and extralegal risks, often lacking formal protections while being subject to discretionary policing, social stigma, and potential exploitation. Nevertheless, in this same context, workers develop tactical adaptations to mitigate risks, evade enforcement, and maintain economic stability. Drawing on 26 interviews with migrant sex workers in Malta, this article highlights the vulnerabilities of this group as a result of discretionary and transactional policing, and the different strategies they employ to resist criminalization. Despite recognizing the resourcefulness of (migrant) sex workers, the authors acknowledge the limited space for resistance available to those engaging in sex work and call for urgent legal and policy reform.

Keywords: Sex work; legal ambiguity; deportability; discretionary policing.

Introduction¹

Sex work in Malta operates within a complex legal framework where the act of selling sex is legal, but associated activities such as brothel-keeping and public solicitation remain criminal offenses. This legal ambiguity (Edelman, 1992) creates a semi-legal space in which sex workers navigate both legal and extralegal risks, often lacking formal protections while being subject to discretionary policing, social stigma, and potential exploitation. As discussed in previous contributions to this journal, stigma plays a fundamental role in shaping the regulation of sex work. Operating at legal, institutional, and social levels, stigma contributes to the systematic exclusion of sex workers from protections afforded to other laborers (Benoit et al., 2018; Stardust et al., 2021). This entrenched “whore stigma” legitimizes state and non-state violence against sex workers while justifying ongoing surveillance and criminalization (Bruckert & Hannem, 2013; Pheterson, 1990). As also noted by Klambauer (2019) while exploring the legal consciousness of sex workers in England, the concept of semi-legality (He, 2005; Kubal, 2013) is useful in understanding Malta’s legal limbo, where sex workers exist in an ambiguous space between legality and criminalization. Rather than a clear-cut distinction between what is legal and illegal, semi-legality describes a tiered and shifting relationship with the law, where individuals may have limited access to rights and protections while still being subject to law enforcement interventions (Kubal, 2013). As Menjivar (2006) argues, this racialized legal uncertainty, or liminality, determines who is recognized as a full participant in society with access to resources, and who remains marginalized. In the case of Malta, sex workers find themselves excluded from many formal protections despite not being criminals under the law.

In 2019, the Maltese government initiated discussions on the reform of sex work/trafficking legislation, with the stated aim of decriminalizing or legalizing sex work to enhance protections against exploitation and human trafficking (Rossoni, 2021). However, these discussions did not result in any substantial reform, leaving significant legal uncertainties, particularly



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regarding third parties, the organization of sex work, and the policing of street-based workers. As seen in other jurisdictions, such nebulous legal and policy frameworks do not reduce harm for sex workers, as law enforcement continues to treat them as offenders rather than as workers entitled to rights (Scoular & O'Neill, 2007; Stardust et al., 2021). The persistence of criminal and licensing laws sustains the very conditions that push sex workers into unsafe environments, limiting their ability to negotiate safety measures without fear of arrest (Jeffreys et al., 2019).

This ongoing ambiguity indicates that informal criminalization persists through discretionary policing and regulatory loopholes. Within this semi-legal framework, the daily realities of sex workers in Malta are shaped by policing practices that operate at the intersection of legality and informal control. As seen in other contexts (Mai, 2018; Vuolajärvi, 2019b), such legal vagueness allows for both punitive and extortive practices by law enforcement, making sex workers—especially migrants—hesitant to report crimes or seek assistance. At the same time, some sex workers strategically leverage this ambiguity to resist legal repression, negotiate working conditions, and challenge police misconduct (Schneider, 2023; also see Rossoni, upcoming).

Drawing on 26 interviews with migrants with experiences of sex work living in Malta, this article examines how these individuals experience and navigate legal ambiguity. While many sex workers are not cognizant of the exact letter of the law, they do understand the discretionary space that this ambiguity creates, recognizing how both police officers and sex workers themselves can (ab)use or resist this space. This study illustrates that sex workers, particularly migrants, face police extortion, informal fines, and the constant threat of deportation—patterns that mirror findings from other semi-legal contexts (Klambauer, 2019; Mai, 2018). However, it also shows how, beyond victimization, sex workers find ways to “work” the system to their advantage by forming informal networks of protection, strategically engaging with enforcement officers, or otherwise pushing back against legal injustices.

While the article discusses issues that may apply, to varying extents, to sex workers in general, it focuses specifically on migrant sex workers in Malta. This is a group whose experiences remain underexamined in both local and international scholarship on sex work. They grapple in unique ways with legal ambiguity, due to both occupational and migration status, often rendering them even more vulnerable to informal policing and discretionary enforcement. Migrant sex workers are often exposed to overlapping systems of immigration enforcement, criminalization, and social stigma, which amplify their precarity and complicate their access to justice. By spotlighting this group, the article makes an original contribution to the literature on sex work and legal consciousness, highlighting how intersecting legal regimes are navigated by those situated at the margins of both labor and citizenship.

Existing socio-legal research on sex work tends to focus on broad legal models—criminalization, decriminalization, or legalization—without fully exploring the everyday realities of those subjected to these laws (Scoular, 2015; Wagenaar et al., 2017). Critical criminology and policing studies have shown that criminalization often operates informally through discretionary policing and surveillance rather than formal legal processes, especially in relation to the social control of marginalized communities (Fabini & Sbraccia, 2021; Fassin, 2013). Building on prior contributions to this Journal's special issue on the criminalization of sex work, this article situates the Maltese context within global debates on decriminalization, stigma, and state control. The findings add to the growing body of evidence demonstrating that decriminalization alone is insufficient without parallel efforts to address systemic inequalities, state violence, and police impunity (Scoular & O'Neill, 2007; Stardust et al., 2021).

The Legal Framework of Sex Work in Malta²

Sex work in Malta exists in a legally ambiguous space, where the direct exchange of sexual services for money is not explicitly criminalized, yet a range of related activities are penalized under various legal provisions. This semi-legal status creates a situation where sex workers operate in a precarious legal environment, lacking clear protections while facing potential criminal liability through associated laws on solicitation and brothel-keeping, and public morality regulations.

Maltese law does not provide a single, comprehensive legal definition of sex work. Instead, different statutes regulate aspects of prostitution, often in ways that reinforce its informal criminalization. The Civil Code contains morality-based restrictions that impact sex workers' ability to secure stable housing. Under Article 1618, landlords can terminate rental agreements if the premises are used for “prostitution or other immoral purposes”. The law does not explicitly prohibit cohabitation between sex workers. In practice, the courts have frequently interpreted shared accommodation where sex work occurs as *de facto* brothel-keeping, thereby criminalizing those who work together for safety (see, for example, Brincat, 2023). Beyond housing restrictions, the Criminal Code and related documents criminalize various activities surrounding sex work, particularly, but not exclusively, in relation to third-party involvement. Provisions exist against living off the earnings of prostitution (White Slave Traffic (Suppression) Ordinance, Cap. 63, art. solicitation and loitering (White Slave Traffic (Suppression) Ordinance, Cap.

63, art. 7; Criminal Code, Cap. 9, art. 251AA), and various aspects of brothel-keeping (White Slave Traffic (Suppression) Ordinance, Cap. 63, arts. 5, 6, 8). Additionally, sex workers can face social and economic repercussions beyond the criminal realm; for example, descendants who engage in sex work can be legally disinherited under Article 623 of the Civil Code. Malta's criminal laws also impose severe penalties for trafficking, including forced prostitution of adults and minors. Although intended to combat exploitation, such laws can be used to target sex workers themselves, particularly migrant workers who are more vulnerable to police crackdowns (Baldacchino et al., 2017; Lam, 2018).

In recent years, Malta's approach to sex work has come under increasing scrutiny, particularly as debates over the criminalization versus decriminalization of sex work gain traction internationally. In 2019, the Government of Malta launched a public consultation on reforming sex work and human trafficking laws, inviting input from legal experts, academics, civil society organizations, and sex workers' rights advocates (Martin, 2019). The reform was framed as a step towards developing a national strategy against human trafficking while also considering the decriminalization of the sex industry. However, the consultation process was marred by terminological confusion as government documents used the terms "legalization" and "decriminalization" interchangeably, obscuring the precise legal model being proposed. This ambiguity made it unclear whether the government intended to introduce regulatory frameworks akin to the Dutch model of legalized sex work or to move towards full decriminalization, as seen in New Zealand (Armstrong, 2017; Mac & Smith, 2018). Despite the initial momentum, the reform process stalled due to shifting political priorities. The COVID-19 pandemic diverted governmental focus towards public health and economic recovery, while the resignation of the parliamentary secretary responsible for the reform further sidelined discussions. As a result, legislative and policy change was effectively shelved, and Malta's approach to sex work remains unchanged and ambiguous. To date, there is no clear statutory recognition of sex workers' rights, nor has there been a move towards providing labor protections or access to social services for those in the industry.

The continued legal uncertainty surrounding sex work in Malta has significant implications for sex workers, law enforcement, and public policy. The absence of clear guidelines creates an environment where policing practices can be inconsistent and discriminatory, with migrant sex workers facing disproportionate risks of deportation and legal harassment (Schneider, 2023). Research in other contexts with semi-legal frameworks (Klambauer, 2019; Vuolajärvi, 2019b) suggests that such ambiguity often leads to increased surveillance and informal criminalization rather than protection for those involved in sex work. At the same time, the stalled legal reforms reflect broader ideological divides in the national conversation on sex work. Abolitionist perspectives continue to frame sex work as inherently exploitative and advocate for client criminalization. Meanwhile, pro-sex work activists argue for labor rights, safety, and full decriminalization as a means of reducing harm and ensuring access to healthcare and legal protections (Rossoni, 2021). Until Malta clarifies its legal stance on sex work, sex workers remain in a precarious position—legally allowed to sell sex but effectively criminalized through overlapping and inconsistently applied laws.

Compounded Informality, Legal Ambiguity, and Selective Enforcement

To situate the Maltese context analytically, this section draws on international examples that reflect broader global patterns of legal ambiguity and discretionary policing. These cases are not intended as direct comparisons but as conceptual reference points that help frame Malta's dynamics within a transnational perspective. Given the scarcity of empirical research on migrant sex workers in Malta, the international studies serve as crucial heuristic tools to identify and theorize the mechanisms of compounded informality and selective enforcement. These mechanisms are then traced in the Maltese context with greater specificity.

Stepping beyond the rigid dichotomy of legal and illegal, this article builds on scholarship that highlights the fluid and contingent nature of legal enforcement, particularly in precarious labor sectors (Bhattacharjee, 2023). Many workers, including sex workers, operate within a framework of compounded informality, where multiple layers of precarity—related to labor, housing, migration status, and policing—intersect to shape their experiences of legality and illegality. Rather than existing in a clearly defined legal space, they navigate a continuum of regulation and enforcement, where the law is not just ambiguous but applied inconsistently. This leaves them exposed to heightened surveillance, criminalization, and exclusion (Menjívar, 2006). Legal ambiguity plays a crucial role in sustaining compounded informality, as unclear or contradictory laws create a discretionary space that allows for selective enforcement. In the case of sex work, this means that while selling sex may not be explicitly illegal, associated activities—such as cohabiting with other workers, soliciting clients, or working without immigration status—fall into regulatory grey zones. These blurred legal boundaries are not accidental; rather, they function as mechanisms of social control, enabling authorities to police certain populations while providing legal loopholes that maintain institutional flexibility (Scoular, 2015; Wagenaar et al., 2017).

Migrant sex workers in particular experience this duality acutely, as they are frequently criminalized not only for sex work but also through immigration enforcement, anti-trafficking measures, and public order laws (Giametta, 2018; Mai et al., 2022). Within this legally ambiguous environment, selective enforcement emerges as a key mechanism of governance. Rather than applying the law uniformly, authorities exercise discretion in ways that disproportionately target racialized, gendered, and class-based groups (Yarbrough, 2023). This selective policing does not merely reflect bias but serves to reinforce broader structures of inequality and exclusion. For example, migrant sex workers are often subject to increased scrutiny which is not because of their work *per se*. Their tenuous legal status allows law enforcement to use a range of intersecting legal frameworks—such as immigration laws, anti-trafficking policies, and local ordinances—to justify their policing (Bowen et al., 2021). Meanwhile, more privileged groups engaging in similar activities often evade such scrutiny, highlighting the strategic and uneven application of the law.

Compounded informality, legal ambiguity, and selective enforcement do not operate as isolated forces but as interconnected dimensions of regulatory power. Together, they create a system in which sex workers—especially those who are migrants—are kept in a perpetual state of precarity, unable to fully claim rights or legal protections while remaining vulnerable to criminalization and exploitation. This precarious positioning is not incidental but rather an outcome of regulatory frameworks that enable uneven enforcement, reinforcing existing hierarchies and exclusions. Empirical research from various national contexts illustrates how these dynamics materialize in everyday interactions between sex workers and law enforcement. Studies have consistently shown that in countries with partial criminalization, sex workers are not only targeted by formal legal mechanisms but also subjected to informal policing strategies, including police corruption, extortion, and exploitation (Mai, 2018; Vuolajärvi, 2019b).

In a study of policing in Argentina, Moncada (2022) found that sex workers regularly reported police officers demanding bribes or free sexual services in exchange for avoiding arrest. Similarly, Platt et al. (2018) documented how arbitrary arrests, bribery, and extortion were common experiences for sex workers in Argentina, Brazil, and the Dominican Republic, further entrenching their vulnerability. Similar patterns were evident in Eastern Europe, where sex workers described fear of police abuse as a greater risk than client violence (Zabyelina & Thachuk, 2022). Mai (2018) documents how restrictive immigration and labour policies in Italy and elsewhere shape the vulnerabilities of migrant sex workers, particularly through legal precarity and socio-cultural marginalization, rather than through direct police coercion (Mai, 2018).

The ever-present threat of deportation compounds this vulnerability, as migrant sex workers are aware that any interaction with law enforcement—even as victims of crime—can trigger detention or expulsion. Geymonat and Macioti (2016) highlighted how sex workers in Argentina faced blackmail by police, who used their legal precarity as leverage to demand compliance. This dynamic positions deportability as a tool of control, one that heightens workers' precarity and discourages them from reporting abuse or seeking social support (Plambech, 2022; Vuolajärvi, 2019b). Research on sex work in Brazil and South Africa has shown that in the absence of state protection, landlords charge higher rents, enforce restrictive rules, or report workers to authorities as a form of control (Gledhill, 2015). Moncada (2022) further documented how organized crime networks and corrupt officials in Brazil extorted sex workers and manipulated housing insecurity to maintain control over them. In Sweden, where the Nordic Model criminalizes buyers but not sellers, clients exploit sex workers' legal insecurity by threatening to report them if they refuse certain services (Vuolajärvi, 2019a). From a broader criminological perspective, the policing of sex work can also align with Wacquant's (2009) concept of "punitive containment", where marginalized populations are policed not because of their actions but because of their social status. Empirical studies in the United States (U.S.) and Europe have shown that sex work laws are often enforced not to eliminate sex work but to push it out of visible spaces, maintaining a facade of moral and social order (Hubbard, 2018).

This is where the formal and informal criminalization of sex work also intersects with racialized notions of belonging, as aptly captured by migration scholars and border criminologists. In many countries, migrant sex workers are policed not only for engaging in sex work but also for their immigration status, making them particularly susceptible to surveillance and exclusionary policies (Mai, 2018). Research from the European context demonstrates that migrant sex workers experience intensified law enforcement targeting, even in jurisdictions where sex work is decriminalized or legally ambiguous (Vuolajärvi, 2019b). In the Netherlands, for example, sex work is legal, yet migrant sex workers—particularly those without European Union (EU) citizenship—are routinely arrested or deported under the guise of anti-trafficking enforcement (Agustín, 2007). The selective enforcement of immigration laws against migrant sex workers reflects what Menjivar & Abrego (2012) calls "legal violence", where restrictive immigration policies systematically produce insecurity and vulnerability. Migrant sex workers, particularly those from non-EU countries, often experience indirect criminalization—while they may not be directly prosecuted for sex work, their immigration status makes them targets for detention, deportation, or exclusion from legal protections (Giametta, 2018; Mai et al., 2022). Furthermore, the persistent threat of deportation serves as a means of social

control, discouraging migrant sex workers from seeking assistance when they experience violence, wage theft, or exploitation (Andrijasevic, 2010).

Managing a Reality of Compounded Informality and Selective Enforcement

Sex workers have long been portrayed as passive victims of legal, social, and economic structures, yet empirical research has consistently demonstrated that they actively resist, negotiate, and adapt to the constraints imposed upon them (Mai, 2018; Scoular, 2015). In contexts where sex work is criminalized or heavily policed, workers develop tactical adaptations to mitigate risks, evade enforcement, and maintain economic stability. Sex workers' engagement with the law is shaped by their consciousness and awareness of the law, which refers to how individuals interpret, interact with, and respond to legal structures in their daily lives (Ewick & Silbey, 1998). Because sex work often exists in a state of legal ambiguity, these adaptations are not just about working safely but also about managing the unpredictable risks posed by selective enforcement and discretionary policing. Sex workers must constantly adjust their practices to avoid punitive actions that target them based on shifting interpretations of the law rather than clear-cut legal violations.

Empirical research has demonstrated that sex workers often adopt legal misinterpretations to justify or frame their work within seemingly lawful terms. In jurisdictions where brothel-keeping is illegal but independent work is permitted, workers frequently structure their operations in ways that mimic independent labor while maintaining collective security (Pitcher & Wijers, 2014). For example, sex workers in the Netherlands, where regulated brothels require strict licensing, have been found to rent individual apartments but collectively manage advertising, security, and client screening to ensure safety while appearing legally compliant (Weitzer, 2018). Similarly, in Australia, where sex work regulations vary by state, sex workers have been documented forming unofficial partnerships and rotating workspaces to avoid legal definitions that would classify their activities as illegal brothel-keeping (Crofts et al., 2012). These strategies are not simply about compliance but about pre-empting selective enforcement, as police and regulatory bodies frequently exploit legal grey areas to crack down on sex work under the guise of public order enforcement. Another form of strategic compliance is seen in legal frameworks like the Nordic Model, where purchasing sex is criminalized while selling it remains legal. Research from Sweden has shown that sex workers adapt to these conditions by implementing client screening techniques, requiring referrals, and moving communication to encrypted or private platforms (Vuolajarvi, 2019a). These measures allow them to continue working while mitigating the risk of clients being deterred by law enforcement threats. This adaptation is also evident in France, where similar client criminalization laws exist. Sex workers have responded by adopting membership-based systems, charging deposits in advance, and avoiding public solicitation, effectively shifting risk onto clients while maintaining control over their work (Levy & Jakobsson, 2014). Despite these adaptations, selective enforcement remains a persistent threat as law enforcement retains the discretion to target sex workers under vague public order or anti-trafficking laws.

Beyond individual adaptations, narrative framing also plays a crucial role in managing legal ambiguity and the risk of selective enforcement. Research has found that sex workers often adopt legally and socially acceptable language to describe their activities in ways that reduce stigma and legal scrutiny (Bernstein, 2007). For example, workers in countries with strict anti-prostitution laws may frame their work as "companion services", "private entertainment", or "massage therapy" to align with legal loopholes and cultural expectations (Scoular, 2015). These forms of discursive adaptation demonstrate not only sex workers' awareness of legal risks but also their ability to manipulate legal categories in ways that afford them greater agency and protection. Beyond individual tactics, community networks play a crucial role in sex workers' ability to resist and navigate exploitation and state repression due to operating under semi-legal circumstances. In many contexts, formal legal protections are either inaccessible or ineffective, leading sex workers to create their own informal systems of security, economic stability, and peer support (Hardy & Sanders, 2015). In settings where law enforcement actively targets sex workers, community networks can serve as an early warning system against police raids, undercover operations, and targeted arrests (McCarthy et al., 2012). Research in the U.S. and Latin America has documented how sex workers develop intelligence-sharing mechanisms to track law enforcement patterns, warn colleagues about police presence, and distribute legal advice on avoiding entrapment (Blanchette & da Silva, 2011). These community-based strategies serve not only as protective mechanisms but also as resistance against the discretionary enforcement that places sex workers in a cycle of legal vulnerability.

Taken together, the international examples discussed above serve not as universal yardsticks but as analytical mirrors that reflect how structural features of legal ambiguity and selective enforcement emerge across diverse contexts. By identifying recurring patterns—such as the co-constitution of criminal and immigration law, and the discretionary application of legal norms—this section lays the conceptual groundwork for the Maltese case. Rather than treating Malta as an outlier or derivative case, the authors consider how the Maltese context illustrates and reconfigures these dynamics in locally specific ways. The next sections detail the methods used, turning then to empirical findings to explore how these mechanisms manifest in the everyday encounters between migrant sex workers and the Maltese state.

Methodology: A Qualitative Study

This article draws on 26 interviews conducted between 2022 and 2024 with migrant sex workers living and working in Malta; aged above 18; and representing different nationalities and migration statuses, gender identities, and sexual orientations. The explicit focus on migrant sex workers stems from their distinct legal and social positioning within Malta's semi-legal sex work regime. This group is particularly exposed to overlapping systems of policing, stigma, and immigration control—yet remains underexamined in the literature. By focusing on their experiences, this study seeks to address this gap.

In order to gain access to the research population, collaboration was established with a public sexual health clinic catering for Maltese, EU, and non-EU citizens. Fieldwork involved semi-structured interviews of 1–2 hours' duration on average and photo elicitation broadly exploring individuals' experiences of migration to Malta and of the sex work industry. While the main focus was on sex work in Malta, participants who had engaged in sex work in their home countries were also included in the sample to better understand motivations and trajectories underlying migration and labor choices. The notions of vulnerability and resistance were the two broad themes explored via the interviews. Thus, it was possible to broach a range of sub-topics relevant to this article, such as knowledge of sex work legislation in Malta, encounters with the police, trust in the authorities, and stigma.

Interviews were recorded with participants' consent; when this was not possible or participants declined, detailed notes were taken. The data gathered were analyzed thematically using an inductive approach (Elo et al., 2014). This led to the identification of six sub-codes: selective enforcement, transactional policing, strategic compliance, spatial avoidance, shifting between legal & informal economies, and community support. Four case studies were chosen to present the findings in a clear and compelling manner. These were selected to represent the diversity within the sample while foregrounding key themes in migrant sex workers' experiences of policing and legal ambiguity in Malta. Given the vast variety of migrant and sex worker profiles in the sample, this approach was deemed most conducive to identifying concrete examples of legal consciousness. These examples reflect the main trends witnessed in the sample and highlight common policing practices, as viewed and experienced by sex workers themselves. Case studies are presented using pseudonyms provided by participants.

Findings

The following case studies offer insight into migrant sex workers' strategies for navigating the intersection of law, enforcement, and informality in Malta. These findings illustrate how sex workers are not merely subjected to criminalization but actively respond to legal ambiguity and selective enforcement through strategic compliance, spatial avoidance, and informal resistance networks. Furthermore, they reveal how deportability functions as a tool of control for migrant sex workers, shaping their mobility, access to protection, and interactions with law enforcement.

Antonio: A White Man Working the Streets of Malta

Antonio is a Southern European man who entered the sex work industry as a result of the economic hardship brought on by the COVID-19 pandemic, combined with subsequent homelessness. He engages in street sex work alongside other forms of informal labor, such as low-level drug dealing:

Obviously, with the fact that now in Malta marijuana has become legal, it was one of the first ways to make money. And since the park itself is close to the lively areas for nightwork life in the sexual field, it was easy to slowly start to become familiar with many people who work on the street around there. The park is a renowned thing, it is a gay meeting place. So, for all this it facilitated the opportunity which then became a little more frequent.

Antonio does not conceptualize sex work as his primary occupation: "I'd say it's 20/30% of what I do". He justifies his limited engagement with reduced demand for paid sexual services as a result of dating apps making access to sex easier and swifter. He is quick to point to what, in his view, is a stark gender divide in demand for paid sex:

Because in any case, meeting places have always existed and between men it is much easier, while for a man finding a woman to just have a fuck and leave is more difficult.

Despite casually engaging in street sex work, Antonio has relevant insights into how racialized policing operates through discretionary enforcement. He talks openly about selling sex to law enforcement agents: "Yes, as clients, I've had a police officer involved in financial investigations, a police officer ... another police officer". He also recalls witnessing multiple instances of transactional policing taking place in the park where he works. Here, somewhat shielded by the darkness of the

night, officers demanded free sexual services from female sex workers, a practice which has been documented in other geographical settings (see Nestadt et al., 2023; Vitale, 2017):

Then the police pass by and ask: ‘everything’s okay?’ ‘everything’s okay’ and go away. And in some cases, I also know of the policeman who falls in love with the woman and nothing...you come with me, free services, these things have been reported.

This echoes the testimonies of other participants, including that of Lucas, a male sex worker from Latin America, in relation to political representatives:

Interviewer: You said you met some powerful people in Malta and they don’t want to pay?

Lucas: Politicians...Just for take someone, if I need someone.

Antonio is not well versed in sex work policy and legislation in Malta, stating, “I never checked [the law], I never researched, I never had the means [to do it]”. Nonetheless, he possesses a strong awareness of how police discretion functions in practice. His navigation of policing risks is shaped by a tactical engagement with spatial avoidance (van der Burgt, 2013)—he deliberately avoids “higher risk” areas with increased police presence to minimize potential interactions. However, Antonio’s perception of security is also informed by his Whiteness, which he recognizes affords him a degree of protection that racialized sex workers do not share. This perception aligns with broader scholarship on racialized policing and selective enforcement (Platt et al., 2022; Xaymaca, 2022), demonstrating that criminalization is not applied evenly but is shaped by broader social hierarchies. A similar experience was shared by another White man in the sample, Matt, who casually sold drugs and engaged in transactional sex, when reflecting on his encounters with law enforcement:

I remember the situation, because no one believe it that a White guy ... selling something. And even if the policeman suspect someone, they suspect the Black people, that was horrible.

Antonio’s views of racialized policing practices further transpire in his reading of an incident involving a fellow sex worker. According to Antonio, her client, an African national, was unjustly subjected to questioning by law enforcement:

The situation was ridiculous, she was shouting and shouting, he was only holding on to her because he hadn’t finished, it was taking him too long, something very common among African, Middle Eastern people who are circumcised, it takes them ages and he wanted his 20 euro back and she was just screaming non-stop, “Call the police, call the police”. We call the bloody police, they arrive. ... She just left, she’s Maltese, really well known. While they kept him there and bombarded him with questions, ‘don’t you dare hit a girl’ ... they let her go after two seconds ... but they kept him there to bust his balls and anyway he’s a guy who works, not sure what he does. And we were telling them that he hadn’t done anything!

It is unclear whether Antonio’s view of the event was coloured by his gender lens, leading him to side with the male client. However, this episode and his case study more generally are a window into the complex experiences of street sex workers in Malta. Like other participants working indoors, online, or in entertainment establishments, Antonio sheds light on the patchwork of side hustles which characterize the lives of many sex workers (Bowen, 2021). Concurrently, he offers insight into the policing of street sex work in Malta, viewed from the perspective of an individual occupying different niches of the informal economy. Despite this “multitasking” potentially augmenting risk, Antonio builds his narrative of safety on his identity markers. As a White man—in ways akin to Matt (quoted above) and others in the sample who shared this subjectivity—he feels more protected from police targeting than others around him due to the racialized nature of policing (Harris et al., 2022; Long, 2018). His testimony reveals that in a criminalized sector such as that of sex work in Malta, Black and minority bodies are disproportionately targeted (Platt et al., 2022; Xaymaca, 2022) and race is a key concern at the heart of policing. Concurrently, although this does not concern him directly, it also sheds light on the police’s failure to protect sex workers, particularly women, to the point where law enforcement ultimately abuse their position of power to demand free services (Dewey & Germain, 2017).

However, even in Antonio’s case, Whiteness does not offer universal protection from selective enforcement and Antonio is still mindful to avoid trouble. His main strategy to minimize unpleasant encounters with law enforcement is “spatial avoidance”, refraining from frequenting places he deems “higher risk” (van der Burgt, 2013) because they are busier and are subjected to increased police scrutiny. As will become clear through other case studies, spatial avoidance is also possible, and frequently resorted to, in the indoor sex work scene. Like several other participants, he finds solace in community, whilst remaining realistic about internal conflict and the need to look out for himself.

Antonio admits he is not knowledgeable about legal frameworks governing sex work, despite being at a relative advantage to acquire this knowledge compared to other sex workers facing language and other barriers. He is nonetheless cognizant of common policing practices, and his tactical engagement with spatial avoidance shows how he taps into his know-how to navigate the different spaces he inhabits.

Karolina: Born Hustler Navigating Complex Terrain

Karolina is a transgender woman from Latin America with extensive experience of the sex work industry across multiple countries. In Malta, she initially engaged in full-service escorting, later shifting toward domination services and, albeit limitedly, digital sex work. When asked if on OnlyFans, she replies, “Yes, with feet. I only do feet, I only do mistress”. Aside from her involvement in the sale of sexual services, Karolina comes across as a business-minded person: “my friend, I could sell everything, even my own shoes”.

Karolina’s experiences with policing reveal the informal nature of criminalization and the intersection of selective enforcement and corruption. She recounts being unjustly reported for pimping in another country (all charges were ultimately lifted) and being the target of an undercover police operation in Malta, which she later learned was conducted by corrupt officers seeking bribes:

I had to hand over my documents. Where I had them, I had all my money. They took 3,000 euros from me, motherfuckers. They took me to the station, took my cell phone, and told me, ‘Don’t worry, we’ll call you on Monday so you can go to court. Don’t worry, you can keep working’. And I was, motherfuckers, scared shitless. I went to court, they told me I had to say I was guilty, everything was calm and that was it. ... I started talking to my contacts, and they told me it’s just a network of corrupt police officers who carry out these raids to make money. But after that, with my contacts, with good people, I knew that if I had a problem, I could talk or something, because usually it’s just someone coming and claiming to be a cop to get a free pass.

Her ability to “play the system” by forming connections is a prime example of strategic compliance (Pitcher & Wijers, 2014; Vuolajärvi, 2019a), where sex workers manipulate informal power structures to avoid punitive enforcement.

However, Karolina is also acutely aware that her migrant status makes her particularly vulnerable to policing and deportability (Menjívar, 2006; Plambech, 2022). As she puts it, “I am vulnerable to law enforcement”. While her economic and social capital afford her greater agency than many other migrant sex workers, her fear of legal repercussions remains constant. This echoes the sentiments of many other participants, particularly those with unstable migration status, such as Andres and Jimena, both from Latin America:

Because all the time, since I do not have documents, I feel like a prisoner. (Andres)

This thing [being ‘illegal’³] gives me anxiety. (Jimena)

Whilst conversing with Karolina, it immediately transpires that she is a born hustler who has learned to fend for herself from a very early age. In her own words, her entry into the sex work sector was born out of the realization that she could make good money “by selling *this* [emphasis in original] body”. Like Antonio, Karolina has navigated different sex workspaces strategically over time, avoiding those where she sees greater risk. However, her approach is not merely one of avoidance (van der Burgt, 2013); rather, she carefully balances elusion of risk with personal benefit. Her decisions to combine work in massage parlours with full-service escorting at a separate location for an additional charge, and, ultimately, to drop full-service escorting in favour of domination services, speak to this. Moreover, matching domination services with very contained digital sex work is a testament to her ability to grasp market potential and leverage her personal skills for profit, in line with the behaviours of other self-employed sex workers documented by research (Pitcher, 2015).

Karolina has direct experience of selective police enforcement in Malta and has had her share of issues with the law. With the same perspicacity demonstrated in her strategic selection of sex workspaces, these experiences have taught her the importance of “playing the system” by making “friends in high places”. This known practice and phenomenon, which has been documented in other countries and sectors (Parkinson, 2012; Scott, 2018), stands as evidence of strategic compliance (Pitcher & Wijers, 2014; Vuolajärvi, 2019a). Her case study is a window into the overlap between selective enforcement and corruption (Kleinig, 1996) and the significant skills needed to counter this hazardous intersection, without any assurance of success. While Karolina has become skilled at doing so, she does not feel immune to risk. She is aware that she occupies spaces of liminal legality (Menjívar, 2006) and feels exposed to the threat of deportation (Plambech, 2022). Aside from fostering useful connections, not unlike other participants, she privileges self-management and self-sufficiency as opposed to reliance on community support.

Although there was only one other participant in the sample who showed similarly outstanding abilities to manoeuvre within corrupt environments, there were many other sex workers who chose self-reliance to stay safe.

Sarvinoz: From Dancer to “Guardian Angel”

Sarvinoz is an Eastern European woman who has worked in multiple countries, first as a dancer in strip clubs and later as an administrator overseeing strippers in entertainment venues. Her case highlights how selective enforcement shapes the visibility and policing of different forms of sex work. Sarvinoz expresses her frustration at the hypocrisy of Malta’s regulatory landscape, which she is quick to compare with other countries in which she has lived:

In Vienna, there are the clubs and next door there are the houses for prostitutes, so they know this, when they are coming to me and I am dancing and drinking and I don’t want to have sex, just go next door. Why you can’t here?

By comparison with other countries where she has lived and worked, Sarvinoz reports facing harsher conditions in Malta:

I realized they don’t give a shit if you dance nicely, if you drink they don’t care, ‘cause they give you 1 euro for the drink. They were giving me a salary but the salary didn’t even pay the rent.

While emphasizing that she has never engaged in any other activity beyond stripping, she admits that other performers would offer additional services (“blowjobs and this”) and that managers had encouraged her to emulate them.

Her narrative framing (Bernstein, 2007) reveals how sex workers can resist stigma by reinterpreting their labor. She insists on describing herself as a dancer rather than as a stripper or sex worker: a self-definition that allows her to distinguish herself from other performers in a manner reminiscent of theories of the whorerarchy⁴ (Fuentes, 2023). Sarvinoz’s example illustrates how language can be employed to avoid association with criminalized or stigmatized identities. This was at times evident in other interviews, as participants responded to questions where the researcher used the term “sex work” with the word “escort” or resorted to other formulas. For example, Andres, quoted earlier in this article, said he was working “como chico”—literally “as a boy”—which in Spanish is short for “chico de compañía”, the equivalent of escort in English. Yet, there were also those who spoke of working as “prostitutes” and involvement in “prostitution”, and this was often associated with a negative experience of the sector:

I don’t want to work as a prostitute anymore. (Zayori)

Prostitution is a necessity for lack of options. (Rosa)

An aspect of Sarvinoz’s case which makes it quite unique compared to other participants is her transition from performer to “guardian angel” for other workers, expressed at times through simple efforts to make their working conditions more agreeable:

I was buying coffee and tea for the girls in my shift. ... I was doing good, benefit for the girls, and the other girls from the other clubs were coming and saying, “we want you as a manager”.

This speaks once again to Sarvinoz’s narrative framing, this time as the “good administrator”, yet it is also evidence of the informal systems of support that sex workers create in the absence of state protection (Hardy & Sanders, 2015). Solidarity was mentioned by a few sex workers, including Antonio quoted in the first case study (“when there is an issue, we call each other, and the others come along”), and Angela, a gender-fluid Latin American sex worker, who spoke of a tight-knit community of co-nationals living close to each other:

One girl now she has her own apartment, then I took my cousin, she has her own. There’s nine of us ... my cousin lives in one apartment and I live in the other one opposite hers.

Whilst succeeding to create a small community around her and gaining more independence in her new role, Sarvinoz still discloses grappling with other pressures, evidence of the risks faced by those working in criminalized sectors: “the superior managers push you to sell drugs and I hate this. It’s bullshit”.

Not unlike Karolina, Sarvinoz boasts extensive experience living and working in different countries as a performer. She is well-travelled and knowledgeable about the intricacies of adult entertainment establishments. She self-defines as a dancer, evoking the strategies of individual adaptation and narrative framing to counter stigma pinpointed by international research (Bernstein, 2007).

She struggles to make sense of the sex work sector in Malta. Echoing the thoughts of other participants, she emphasizes the contradictions which undergird sex work on the island. This is particularly glaring in the case of Maltese strip clubs (Billiard, 2014), which are not subjected to the same degree of police surveillance as sex work taking place in private flats and on the street.

Selective enforcement risks leaving dancers who face risks of exploitation by managers (see Sanders & Hardy, 2012 for similar trends in the United Kingdom) unprotected. When working as a dancer, Sarvinoz's strategy to resist exploitation was spatial avoidance (van der Burgt, 2013) by taking up employment in another club. While somewhat constrained by the context in which she operated, in her subsequent role, she resisted widespread insecurity and lack of protection by creating systems of informal protection (Hardy & Sanders, 2015) for other performers. Regrettably, this did not render her wholly immune to pressures by higher managers to engage in illegal activities such as selling drugs, shedding light on the multiple and overlapping risks of exploitation which exist in criminalized sectors.

Policarpa: Young Mother Returned to Latin America

Policarpa is a young Latin American woman and a mother of two who migrated to Malta specifically to engage in sex work, following the recommendation of a friend. Unlike Karolina, she lacks significant social capital and connections, making her far more vulnerable to state control and legal repercussions.

Policarpa's experience with detention and the threat of deportation exemplifies how migrant sex workers are targeted not only for their involvement in sex work but for their precarious legal status. When police raided her residence, they used her escort website profile as evidence to justify her arrest—a form of selective enforcement that disproportionately affects migrant sex workers:

I sublet a room to this girl who came from Italy. She used a lot of drugs when she was working to handle the situation. This girl has papers, but a guy (a client) went to the police and told them she worked as an escort. He was undocumented, and they didn't do anything to him. Hypocrite. I was working on a student visa, but your crime supersedes the visa. I didn't know you can't post on an escort website ... when they asked me, 'Hey, is that you?' I didn't even think I couldn't. 'Shut up, we're leaving. You can't ask questions, you're not in [country of origin]'.

Her case highlights the racialized and gendered dimensions of deportability (Gil Araujo et al., 2023), where foreign women in the sex industry are constructed as threats to the moral and legal order of the state. In the experience of many participants, the enforcement of migration management was perceived as unjust and even violent, leaving them with the feeling that they were being treated as "criminals" (ZL & NB as cited in Rossoni, forthcoming). In this regard, Rosita, another woman from Latin America, described in detail the fear and discomfort stemming from the raid which landed her and her friends in detention:

It was a real scare ... some girls started running but I thought straight to my passport. They broke down the door and came in. I sat on the bed with another [nationality from Latin America] girl. Without a passport, we're not going anywhere. We're going to be fugitives. ... There was probably a client under cover. They caught us for prostitution and drugs, but they didn't find anything at all. Just a joint. They took everything from me ... there was a little bit of income.

Unlike other participants who were able to navigate enforcement through strategic compliance or spatial avoidance, Policarpa's experience, just like that of Rosita and others, illustrates how deportability functions as a mechanism of exclusion and control (Giametta, 2018; Plambech, 2022). The use of migration laws to criminalize sex work in practice is a key theme in global research on border criminology and sex work governance (Andrijasevic, 2010; Esposito et al., 2020).

Like other participants, Policarpa lacked prior involvement in the sex work industry and migrated to Malta for sex work. As a mother of two, financial hardship and the desire to get away from her home country acted as the main motivations to leave home and enter the sector. In a similar manner to Karolina, she displays an ability to self-manage and handle relationships with clientele to her advantage.

Yet, differently from Karolina who has succeeded in containing her troubles with the authorities, Policarpa is one of seven women in the sample who were held in immigration detention on prostitution-related charges. The bodies of female sex workers from Latin America in Malta are hypersexualized and criminalized when seen to defy the narratives of "ideal victims" (Christie, 1986), in a manner akin to that of Brazilian women in Southern Europe (Piscitelli, 2008, 2012). As a result, the threat of deportation intertwining with racialized and gendered stereotypes is exploited by state agents to exercise power and control on foreign bodies (Esposito, 2021).

Discussion

The case studies presented shed light on the complex liminal spaces (Menjívar, 2006) that migrant sex workers navigate in their life and work in Malta, where the interplay between legal ambiguity, selective enforcement, and compounded informality dictates their exposure to risk. Malta's sex work laws do not explicitly criminalize the sale of sexual services. However, as the findings testify, the enforcement of related statutes—often through discretionary policing and regulatory loopholes—effectively subjects sex workers, particularly migrants, to informal criminalization and heightened vulnerability. These vulnerabilities are not merely incidental outcomes of legal uncertainty but are actively sustained through mechanisms of social control and exclusion.

The main strategies that sex workers adopt to avoid risk include individual adaptation and narrative framing (Bernstein, 2007), strategic compliance (Pitcher & Wijers, 2014; Vuolajärvi, 2019a), and, more frequently, spatial avoidance (van der Burgt, 2013). These strategies are highly contingent on individual skills and abilities. They were evident across various sectors of the sex industry, from street-based work to indoor settings such as private residences and strip clubs, and even digital spaces, despite the latter not being the primary focus of this article. Spatial avoidance is not only a means of managing interactions with clients but also a response to targeted policing, with participants deliberately steering clear of areas under heightened surveillance.

The results also demonstrate that legal uncertainty does not just create precarity but also actively facilitates the abuse of police discretion, deepening the inequalities already faced by sex workers (Stardust et al., 2021). Police may use profiles on escorting websites as evidence of sex work involvement and selectively patrol certain sectors of the industry while largely ignoring others. Adult entertainment establishments appear to be less scrutinized, with street-based and independent indoor workers bearing the brunt of enforcement efforts. Moreover, gendered and racialized dimensions of policing practices are deeply embedded in law enforcement strategies.

For sex workers who do not represent minority groups, awareness of gender and racial bias in policing creates a perception of greater security. They recognize that, despite their involvement in sex work and informal economies, they are less likely to be targeted. By contrast, migrant women and gender nonconforming individuals bear the full weight of deportability, shaping their daily lives, economic decisions, and movement across spaces. In some cases, this fear materializes in the form of detention and deportation, reinforcing the precarious positioning of non-citizen sex workers within the broader regulatory framework of migration control (Plambech, 2022; Vuolajärvi, 2019b). Regrettably, in the context of rampant criminalization, although sex worker solidarity was occasionally mentioned, self-reliance was by far the dominant trend. This likely means that many workers remain isolated, having to fend for themselves. These patterns of exclusion reinforce the need for a human rights framework in sex work governance that prioritizes labor protections and decriminalization over punitive approaches, as advocated by Stardust et al. (2021).

Conclusions

Focusing on migrant sex work in Malta, this article has demonstrated that criminalization is not a static legal condition, but an ongoing and dynamic process shaped by everyday policing, governance practices, and sex workers' responses to it.

The ambiguous legal terrain (He, 2005; Kubal, 2013) confronted by migrant sex workers in Malta exacerbates vulnerability (Rossoni, upcoming) and provides greater opportunities for the (ab)use of police discretion. As demonstrated, an individual's ability to avoid criminalization is highly contingent on personal circumstances, social positioning, and strategic skills in navigating legal and extralegal risks. Although evidence of solidarity among sex workers occasionally emerged, it was not consistently reported. In this context, the establishment of a sex worker-led organization could significantly improve access to legal knowledge and essential services for migrant sex workers, as evidenced in other national contexts (Lepp & Gerasimov, 2019). The sociopolitical and cultural challenges of forming such an organization in a small, insular setting like Malta would be non-negligible. However, alternative models—such as informal peer support networks and technological solutions for safe and swift information sharing—could provide viable pathways to mitigate risk. Research has shown that peer-led organizations and sex worker collectives play a critical role in advocating for systemic change and providing harm reduction support, offering a proven model that could be adapted to the Maltese context (Stardust et al., 2021).

Beyond grassroots interventions, broader scrutiny is needed regarding the (ab)use of discretionary policing in Malta. This inquiry should extend beyond sex work regulation to examine how intersecting migration, labor, and public order laws are mobilized to police and control marginalized populations. The findings of this study support calls for comprehensive policy

reform that moves beyond binary debates over decriminalization and criminalization and instead addresses the structural conditions that enable selective enforcement and informal criminalization. Ensuring that migrant sex workers have access to legal rights and protections under current human rights frameworks is essential. Any future reform must recognize that legal uncertainty does not merely create precarity—it actively sustains a system in which law enforcement retains broad discretionary power over some of the most vulnerable members of society. As Stardust et al. (2021) highlighted, justice for sex workers cannot be achieved through decriminalization alone but must be accompanied by broader anti-discrimination measures, access to labor protections, and the active dismantling of policing practices that disproportionately harm marginalized communities. Within these debates, the voices of sex workers themselves must be central, making their participation in policy discussions through organized representation not just valuable, but imperative (Aroney & Crofts, 2019).

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³ Please note that this is the term used by the participant herself, a Spanish speaker, who described her situation by saying, “estoy ilegal [I am illegal]”.

⁴ It should be noted that scholars have pointed out that the “whorearchy”, namely the supposed hierarchy within sex work, where digital sex workers/cam models are at the top and street sex workers are at the bottom, is a product of the criminalization of sex work: the most criminalized forms of sex work are also the most stigmatized (Fuentes, 2023).

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