



International Women's NEWS NOUVELLES Féministes Internationales

In publication since 1906

Journal of the International Alliance of Women



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& prostitution & trafficking the market of sex

According to Equality Now, 20.9 million adults and children are bought and sold worldwide into commercial sexual servitude, forced labour and bonded labour. Women and girls make up 98% of victims of trafficking for sexual exploitation.

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Front Cover

A woman's hand holding a heart emphasizes her feelings for love, not just a biological urge. It also shows that women 'wear their hearts on their sleeves' often leaving them vulnerable and exposed. The barcode indicates how women can be treated like a 'product' - bought by 'customers', sold by 'pimps and traffickers'.



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Cecilie Høigård was born in Oslo, Norway, in 1943. In 1969 she started working at the Faculty of Law, University of Oslo. In 1988 Høigård was appointed professor in Criminology. In 2014 she became professor emeritus. For decades Høigård conducted studies on prostitution in Norway (see for instance Høigård, Cecilie & Finstad, Liv (1992): *Backstreets. Prostitution, Money and Love*, Polity Press. London). In 2004 she won "Formidlingsprisen", the highest honour granted to researchers at the University of Oslo, for excellence in communicating research to the public. Founding member of the Women's Front of Norway, 1972.



Joyce Outshoorn (1944) is Professor Emeritus of Women's Studies at the Institute of Political Science in the Faculty of Social and Behavioural Sciences, Leiden University. She joined the Institute in 1999 after heading the Women's Studies Department since 1987, the year that she was appointed as a professor in Leiden. Previously she was Associate Professor of Political Science at the University of Amsterdam. During her career she was Chair of the Netherlands Research School of Women's Studies (1992-2000), co-director of the Research Network on Gender Politics and the State (1996-2010), and member of the Steering Committee of the Feminism and Citizenship project (FEMCIT) funded by the 6th Framework Programme of the European Union (2007-2011). In 2009 she received the Career Achievement Award of the ECPR (European Consortium of Political Research) Standing Group on Gender and Politics. Her current research areas are women's movements, abortion and prostitution policies, and gender equality policy.



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Expertise Positions - The Feminist Association Unioni - Board Member 2000-2003, 2014-; Exit Prostitution - Co-Founder and Board Member 2008-2011; The Association of Finnish Local and Regional Authorities - EU Project on Gender Equality - Member of the Steering Committee 2010-2011; Center of Gender Equality Information in Finland - Member of the Steering Committee 2009-2011; Council for Gender Equality (Ministry for Social Affairs and Health) - Expert Member 2004-2011 Council for International Human Rights Issues (Ministry for Foreign Affairs) - Expert Member 2008-2011; Expertise work group on the Government Report on Gender Equality (Finnish Government) Member 2009-2010.

This edition of the International Women's News is dedicated to Prostitution and Trafficking. While trafficking is difficult to identify and consistently under reported, it is a pervasive crime that transcends international borders and occurs not only between countries but within countries, cities and neighbourhoods. It is one of the fastest growing criminal enterprises worldwide and makes up one of the largest sources of income for organized crime.

At the launch of the UNODC Report on human trafficking in New York in 2009 its executive director Antonio Maria Costa said that 'many governments are still in denial. There is even neglect when it comes to either reporting on or prosecuting cases of human trafficking'. He pointed to the fact that while the number of convictions for human trafficking is increasing, two out of every five countries covered by the UNODC Report had not recorded a single conviction.

Although trafficking seems to imply people moving across continents, most exploitation takes place close to home. Data show intra-regional and domestic trafficking are the major forms of trafficking in persons.

According to the UNODC Report, the most common form of human trafficking (79%) is sexual exploitation and the majority of victims of sexual exploitation are women and girls. This edition focuses on an important tool to fight against trafficking and human rights violations. This tool is the legal status of prostitution.

The analysis of two major approaches to prostitution are presented - the Nordic model and the Legalization one - together with arguments supporting each, their impact on trafficking and on the human rights and safety of women in prostitution.

The IAW Membership is divided over these two approaches.

The Nordic model penalizes the demand for commercial sex while decriminalizing individuals in prostitution and providing them with support services including help for those who wish to exit prostitution. By tackling the demand and therefore reducing the possibilities to gain from the exploitation of prostitution, the Nordic countries (Sweden in 1999 followed by Norway in 2008 and Iceland in 2009) have discouraged criminal networks from investing in their territory.

In December 2014, Northern Ireland passed similar laws. Canada adopted a law in the spirit of the Nordic model in November 2014. In 2016, France voted to criminalize the purchase of sex while decriminalizing the selling of sex and offering support services to those in prostitution.

Demand is created by men who pay for commercial

sex. Traffickers, pimps, brothel owners and other facilitators profit from this demand. Sex trafficking does not exist because its victims are vulnerable, it exists because there is a demand for commercial sex that traffickers can exploit and profit from.

Criminalization of prostitution in Nordic countries has resulted in the shrinking of the prostitution market and the decline of human trafficking inflows. An argument against the Nordic model is that it drives prostitution underground and thus criminality and the trafficking of women and drugs are under much less scrutiny by the police because women are hidden.

For the Nordic model, prostitution is a form of violence. The abolition of prostitution is important because the social norm it conveys is based on the principle that the human body and sexuality are not for sale.

The Legalization approach on the other hand considers that prostitution is a job like any other and that legalizing it is the best way to guarantee access to basic rights. Research evidence shows that a great part of the legal sector of the sex industry, in the Netherlands for example, perpetuates exploitation and trafficking in human beings. This approach also argues that the legalization of prostitution will improve working and safety conditions of sex workers, allowing the sex business to recruit from domestic women who choose prostitution as their free choice of occupation. This in turn makes resorting to trafficked women less attractive.

However, empirical evidence shows that, on average, in countries that follow the legalization approach in prostitution, there are larger reported human trafficking inflows. For the traffickers it is easier to work in a country where it is legal to have brothels and it is legal to manage people in prostitution. It is a more attractive environment.

Moreover, the legalization of prostitution fosters acts of violence against women by sending the social signal that women are commodities.

The aim of this edition is to open discussion amongst the IAW membership so that we can move some steps further in the understanding of this issue in order to help us in our struggle for women's human rights. In other words, we should try as an organization to take a position concerning what legal status prostitution should have.

My personal view is that the commodification of sexuality and women's bodies cannot be considered part of our struggle for women's rights.

My intern, Jacqueline Apollonia Meleouni from Sweden, has worked very hard for this edition, carrying out research to find articles and communicating with contributors.



The Elusive Woman Secretary-General

Extracts from a statement by Ambassador Anwarul K. Chowdhury Source: (IPS) New York Oct 14, 2016

United Nations' apex forum, the General Assembly elected the next Secretary-General yesterday by acclamation rubber-stamping the recommendation of the Security Council (SC). I am appalled by the choice of 15 members of the Security Council of another man following eight others in 70 plus years of UN's existence as if only men are destined to lead this global organization.

The Council members were totally insensitive to a groundswell of support worldwide for a woman as the next Secretary-General. They advanced the legacy of ignoring the 50 per cent of humanity in their action. This is an absolute aberration of the system whereby the 15 members of the Council impose their choice prompted by P-5 pressure and manipulation upon the total membership of 193, not to speak of wide swath of civil society opinion and activism for a woman Secretary-General.

It is so very unfortunate that in the selection process politics has trumped women's equality, violating UN Charter's article 8 which underscores the eligibility and equality of men and women to participate in any capacity in all its organs – principal or subsidiary.

The grapevine is spreading that one of the East European women candidates would get the post Deputy Secretary-General (D-SG) as a part of the deal about the new SG. This is not a big deal as we already had two woman DS-Gs in the past. It should also be remembered that when the DS-G post was created in 1998 by the General Assembly, it was the understanding that if the S-G is from an industrialized country, the DS-G would be from a developing country and vice-versa. Similarly, if the S-G is a man, the DS-G should be a woman – no possibility of vice-versa till now. This double balance in UN's two highest posts has been ignored on occasions in recent years.

I would also underscore that the new S-G should bring in a true and real 50-50 gender balance at the level of Under Secretaries-General (USGs) and Assistant Secretaries-General (ASGs). This is an action which should be clearly laid down in a transparent way within the first 100 days in office.

Ambassador Chowdhury's pioneering initiative in March 2000 as President of the Security Council achieved the political and conceptual breakthrough leading to the adoption of UN Security Council Resolution 1325.



António Manuel de Oliveira Guterres, GCL GCC

Portuguese politician and diplomat who is the Secretary-General-designate of the United Nations. Guterres was Prime Minister of Portugal from 1995 to 2002, as leader of the Socialist Party. He also served as President of the Socialist International from 1999 to 2005. He was the United Nations High Commissioner for Refugees from June 2005 to December 2015.

A Feminist Agenda for the new UN Secretary-General

Extracts from a petition by The UN Feminist Network (UNFN)

The world faces unprecedented challenges including violent conflict, spiralling inequality, environmental degradation and diminishing democratic spaces. In this context, we cannot afford not to harness the energies, talents and capacities of women and men to meet the demands of our era. From women working in the UN, to female leaders in developing and fragile countries, to rural women who are the backbone of the agricultural sector, the need to support and enable women's equal participation and leadership has never been greater.

The United Nations Charter, the Universal Declaration of Human Rights, the Beijing Platform for Action, and most recently the 2030 Agenda set out clear requirements and demands of Member States, the UN, civil society organizations and individuals to step up to these challenges, to achieve women's rights and gender equality.

Antonio Guterres, the new Secretary-General, has a unique opportunity to act as a role model, set the example and be a champion for gender equality and the empowerment of all women and girls. To meet the United Nations' own commitments, our hope and expectation is that the world's top diplomat will be a feminist in both words and deeds: an unwavering champion for women's rights, demonstrating courage and commitment to gender equality, even when that becomes politically uncomfortable. The unprecedented transparency of the selection process has revealed a widely-shared ambition for a reform agenda, with gender equality at its heart. Expectations have been raised and we stand ready to support the Secretary-General in this endeavour.

First, we ask Antonio Guterres to make advancing gender equality and women's rights a publicly stated priority for his tenure. In addition, the following set of clear, actionable priorities will substantiate this commitment and ensure the UN fulfils its commitments to gender equality and women's rights:

- Increase and track resources for UN programmes on gender equality and women's rights
- Work with women's rights organizations
- Achieve gender parity in the UN
- Prevent and address sexual harassment, violence against women and discrimination
- Improve working conditions for working parents and caregivers
- Increase accountability for gender equality commitments in the UN system

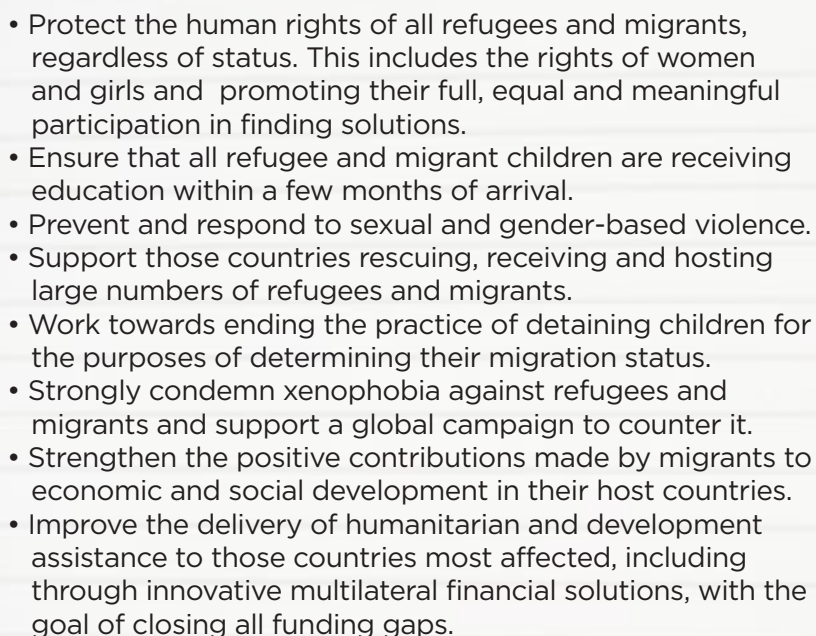
Comment from Huffington Post (Meriem Trebelsi October 13 2016) The UN's primary function is to maintain international peace and security, resolving global disputes and conflicts peacefully. The evidence shows that peace negotiations that include women are more likely to lead to lasting peace. Putting to one side the issue of injustice, the exclusion and marginalisation of women in diplomacy is damaging for everyone.

New York Declaration for Refugees and Migrants

On 19 September 2016 the United Nations General Assembly convened a High-Level Plenary to address large movements of refugees (UN Summit for Refugees and Migrants) in light of the need for greater international solidarity and support in response to such movements. The Summit was attended by Member State representatives as well as international and UN agencies, NGOs, private sector and migrant and refugee representatives. During the Summit, the General Assembly adopted the New York Declaration for Refugees and Migrants, a political declaration accompanied by two annexes which will pave the way for global compacts on refugees and migrants respectively in 2018.

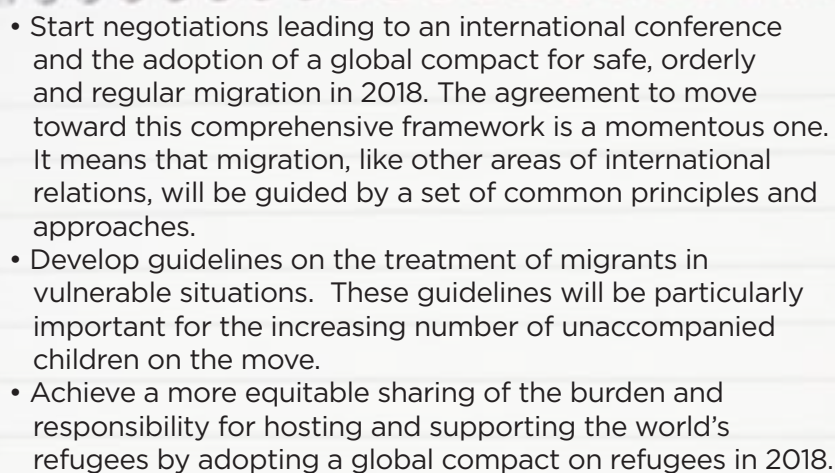
The New York Declaration sets out principles and recommendations applying to both migrants and refugees (rescue en route, reception at borders, combating xenophobia and encouraging inclusion) as well as separate commitments for migrants and refugees. In adopting the Declaration, States reaffirm their obligations to fully respect the human rights of refugees and migrants, and pledge robust support to countries affected by large movements of refugees and migrants. On migration specifically, the New York Declaration urges States to enhance migration management and governance, to strengthen international cooperation and to address the needs of migrants in particularly vulnerable situations.

With regard to refugees, the New York Declaration sets out a new approach to responding to refugees through a Comprehensive Refugee Response (CRR) Framework (detailed in Annex I) which provides for a more comprehensive, predictable and sustainable response, based on the principles of solidarity, international cooperation and responsibility-sharing. The CRR framework is designed to ensure: engagement with a wide array of stakeholders; rapid and well-supported reception and admission measures; support for immediate and ongoing needs (e.g. protection, health and education); assistance to national/local institutions and communities receiving refugees; and expanded opportunities for durable solutions. Declaration commitments include:

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- Protect the human rights of all refugees and migrants, regardless of status. This includes the rights of women and girls and promoting their full, equal and meaningful participation in finding solutions.
 - Ensure that all refugee and migrant children are receiving education within a few months of arrival.
 - Prevent and respond to sexual and gender-based violence.
 - Support those countries rescuing, receiving and hosting large numbers of refugees and migrants.
 - Work towards ending the practice of detaining children for the purposes of determining their migration status.
 - Strongly condemn xenophobia against refugees and migrants and support a global campaign to counter it.
 - Strengthen the positive contributions made by migrants to economic and social development in their host countries.
 - Improve the delivery of humanitarian and development assistance to those countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding gaps.

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- Implement a comprehensive refugee response, based on a new framework that sets out the responsibility of Member States, civil society partners and the UN system, whenever there is a large movement of refugees or a protracted refugee situation.
 - Find new homes for all refugees identified by UNHCR as needing resettlement; and expand the opportunities for refugees to relocate to other countries through, for example, labour mobility or education schemes.
 - Strengthen the global governance of migration by bringing the International Organization for Migration into the UN system.

The Declaration also contains concrete plans for how to build on these commitments:

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- Start negotiations leading to an international conference and the adoption of a global compact for safe, orderly and regular migration in 2018. The agreement to move toward this comprehensive framework is a momentous one. It means that migration, like other areas of international relations, will be guided by a set of common principles and approaches.
 - Develop guidelines on the treatment of migrants in vulnerable situations. These guidelines will be particularly important for the increasing number of unaccompanied children on the move.
 - Achieve a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees by adopting a global compact on refugees in 2018.

Comments: Volker Türk, UNHCR Assistant High Commissioner for Protection

For the first time in 65 years, the UN General Assembly has adopted a declaration – the New York Declaration – which affirms and enhances the protection of refugees. This would be an important and unprecedented achievement at any time but is particularly impressive given the xenophobic and anti-refugee rhetoric currently on display in many countries around the world. At a time when borders are being fortified to keep refugees out and when refugees are accused wrongly of being terrorists, it is nothing short of a miracle that the United Nations unanimously adopted the New York Declaration which affirms and strengthens the protection of refugees.

Alexander Betts, an expert on refugees and forced migration at Oxford University, called Monday's UN summit "a milestone with limitations." He was pleased to see so much attention focused on the issue but disappointed by the weaknesses inherent in the formal negotiations. He described the discussions leading up to the summit as "a disaster" in which "nothing meaningful has been agreed".

The Nordic Model

prostitution & trafficking

DEVELOPING FEMINIST POLITICS ON PROSTITUTION¹

by Agnete Strøm

Our fight to abolish prostitution started in 1870 in England, and from there it spread out to encompass the whole world. Josephine Butler started this political campaign. She is our feminist foremother.

The practice of regulation of brothels quickly spread from the military to the general public. By the middle of 19th century this system evolved into regulation of prostitution through brothels. First in France and Germany and then across Europe, prostituted women were forced into the brothels as the only place they could legitimately work.

In 1864 in England Contagious Diseases Acts were passed. To Josephine Butler, the Contagious Diseases Acts formalized and legalized the sexual enslavement of women. The Acts were designed to protect the health of military men by subjecting any woman the special Morals Police identified as a prostitute to a “surgical examination”.

“Surgical examination” involved the use of crude instruments by often-cruel doctors for vaginal examinations. If the woman refused she would get 6 months prison and hard labour.

Josephine Butler responded with a war against the tyranny. She started a campaign for destruction of the sexist double standard of morality, and demanded personal liberty for all women.

By 1886, when the CD Acts were finally repealed, the conditions of prostitution had worsened. International traffic in women was at a peak and the definition of prostitution had changed and solidified.

CD Acts transformed the casual prostitution of working-class women into a specially identified exploitable class. Thus the prostituted women were isolated from general lower-class life and separated from their neighbourhoods into

distinct red-light districts and brothels. This made identification of the prostituted women more specific and in effect “industrialized” and therefore made their ability to leave prostitution much more difficult.

Josephine Butler took up the issues of prostitution as female sexual slavery and trafficking and called for a fundamental value change. Her work was far in advance of social consciousness of her day.

Josephine Butler and the next generation of feminists lobbied the issues in The League of Nations and later in the United Nations with success. Among others, their efforts led to the establishment/passing of the following:

- Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (UN 1949). The Convention states, “prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community”.
- Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW, (UN 1979). CEDAW obligates State Parties “to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of traffic in women”. Palermo-protocol, (UN 2000), calls for “legislative or other measures [...] to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” Here we are approaching the important and crucial role of the buyer of women who creates the demand for prostituted women, but only in



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connection with trafficking. The Nordic Model (1999 Sweden, 2009 Norway, Iceland) is the law that criminalizes the buying of sex. The law recognizes prostitution as violence against women whether the women are trafficked or not and criminalizes the buyers/the johns. This legalization is now being implemented in several other countries such as Canada, Northern Ireland, Ireland and France. Survivors of prostitution all over the world are promoting the Nordic Model, and their NGO, SPACE International, brings the survivor leadership into the campaign for destruction of the sexist double standard of morality and brings truth and data about the harms of prostitution.

But several UN offices are now under attack from the pro-prostitution lobby. Let us take a look at UN Women and UNAIDS. An inroad of paternalistic male self-interest has already put a distinct pro-prostitution mark on their policies that try to break down and eliminate our abolitionist and feminist cause. For instance, UN Women's Note on sex work, sexual exploitation and trafficking (2013) reads: "...We cannot consider sex work the same way we consider trafficking

or sexual exploitation, which are human rights abuses and crimes, and.... support the regulation of sex work in order to protect sex workers from abuse and violence...".

Similarly, the UNAIDS' report HIV and the Law (2012) calls to "repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against "immoral" earnings, "living off the earnings" of prostitution and brothel-keeping".

We will not let this happen; the legacy handed down from Josephine Butler to us is the legacy that we have to pass on.

Wherever the selling of sex is criminalized, wherever prostituted women and men are criminalized, that law has to go, has to be repealed. What we will demand is criminalizing the buying of sex, criminalizing pimps, johns, brothels.

1. Strøm, Agnete (2015). Developing Feminist Politics on Prostitution. Kvinnefronten/ The Women's Front of Norway. Find article at: <http://kvinnefronten.no/wp-content/uploads/2015/05/Two-Articles-on-Prostitution.pdf>

prostitution & trafficking





The Nordic Model

In the seventies and eighties, I was a member of a working group on prostitution. The group consisted mainly of Swedish and Norwegian researchers and social workers, including among others Hanna Olsson, Sven-Axel Månsson and Stig Larsson from Sweden as central researchers. Many of us spent several years doing fieldwork in areas with a large amount of prostitution, respectively in Stockholm, Malmö, Gothenburg, and Oslo, and as a result we developed close relationships with participants in the sex trade. We heard stories about their past abuse, extreme poverty, violence and institutionalization. We were well prepared for those stories, due to our experiences with earlier field studies on outcasts and marginalized people. The stories of the content of prostitution, put in concrete terms, were more unexpected and shaking. The women gave us specific details of the prostitution trade, and how it affected them. They told us how it was to use their bodies and vaginas as rental apartments for unknown men to invade. This made it necessary for them to try to separate their bodies from their souls: "Me and my body are two separate parts. It is not me, my feelings or my soul he fucks. I am not for sale". The women's strategies to maintain this separation were numerous and ingenious. To be agents in their own lives they showed great ingenuity and vigour within the little space of manoeuvre they had in the sex trade. In time it became more and more difficult for them to adhere to the separation between their bodies and souls, the necessary part to distance themselves from the merchandise of

their bodies. After the customer was done, it became increasingly difficult to bring back the self again. Eventually the women started to feel worthless, dirty, and disgusting. These stories were very similar to accounts we have heard from victims of other sexual violence, such as incest, rape, and domestic violence.

The empirical data shown in the extensive Scandinavian prostitution research was supported by the international literature on the subject. Regardless of how the women felt was the best way to approach prostitution, for example legalization, decriminalization or criminalization, the books and reports based on long and close contact with prostituted women showed the same patterns of division, pain and scars in their souls. When the women could talk freely to people they knew well and in whom they had gained confidence, the most horrific contents of the sex trade would be revealed in most of their stories.

In our research group we shared the same feelings of despair for the women's pain and for the many whorecustomers' lack of knowledge regarding the consequences of their actions. By the end of the 1970s, the idea of one-sided criminalization of the whorecustomer struck me like lightning. The idea increased my heart rate immediately and gave me a sense of something falling into place. For once I felt for a moment something ingenious. I had never come across that angle in the extensive literature that I had read on the subject of prostitution. But, as recent history has shown, there was of course

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no reason to feel hubristic about it. Individuals do not create social changes. At best, during a life in research one can only hope once or twice to plant a seed or put an idea into social movements that has the necessary force required to push through social changes. It is the women's rights movement in Sweden and Norway that has fought for what has later been called the Nordic model; the one-sided criminalization of the whorecustomer. There were also women activists who eagerly seized my idea first.

The fight against prostitution - the Abolitionists movement - has been part of the women's liberation movement's struggle since the 1880s. Prostitution has been seen as a condensed and extreme expression of the oppression of women. The new one-sided criminalization of the customers has had greater effects in some areas than even the optimists amongst the advocates of the law were hoping for. The controversial law and the debate that followed served as a large-scale educational campaign. In Sweden, the attitudes towards the law changed rapidly in a positive direction, and the proportion of Swedish men buying women's bodies has decreased¹.

The current public debate can hardly be recounted in this short editorial but an important new characteristic of some arguments should be described. Some of the defenders of prostitution are consciously using specific rhetorical configurations when debating, rhetoric you would associate with feminism and left-wingers, but at the same time the rhetoric also appeals to the right-wingers.

In particular, there is the use of three key concepts that are central to the legalization supporters both nationally and internationally. These are the concepts of The Victims, The Trade Unions, and The Sex Worker (see also Ekman, K. 2010).

The experiences and analysis of the women's liberation movement in the 1970s made a profound impact on women's rights to be victims. Incest, rape and abuse of women were interpreted as violations made by individual men and simultaneously as manifestations of the social power men have over women. Nobody wanted in the name of feminism to claim that these interpretations should somehow pity the women. Finally, responsibility and shame was placed where it belonged. In the prostitution debate, however, the concept of victims was twisted to ascribe characteristics of individual women in prostitution, saying that to call them victims of the customers was to pity them. This is a clever abuse on the ambiguous use of the concept of victim in every day speech. Men and women act out of different positions in the societal power relations between the sexes, and the concept of being a victim is not about being passive or active, weak or

strong. Women are not a passive, weak group. On the contrary, women often display a frenetic activity and an almost inhuman strength to withstand the burdens the male society places on them. Women's survival strategies against the sex trade and its contents are just examples of such activity and strength (see also Ericsson, K. 1993, Høigård, C. 1993). The interpretation and critique of the concept of victimization, however, gave a certain resonance in both a small part of the left side, and even more so among the right-wingers. The left enjoyed the image of proud women who made their own choices and shaped their own lives; it was seen as something subversive against the prevailing repressive sexual norms. The right has traditionally fought against measures to secure gender equality such as implementing quota systems for women because such measures allegedly do pity women. Also, the idea that every individual is solely responsible for making their own happiness in the free market is very strong among right-wingers. Both winners and losers should blame themselves.

By removing the term victim, the abuse and the abuser are removed as well and, by attacking the concept of victimization, one creates a distance from the reality and pain inside prostitution.

The concept of trade unions for sex workers is the second key concept. The first and most known 'trade union' was Coyote (Call Off Your Old Tired Ethics). It was founded as early as 1973, financed by Playboy and other porn magazines. Among the leaders were well known pimps who wanted to extend the market of prostitution. Coyote made 'whore balls' under the slogan "Everyone needs a whore now and then" and auctions were held where a prostituted woman would be given to the highest bidder. It was also Coyote that introduced slogans like: "Hookers of the World Unite, Organizing the Oldest Profession". Only a small proportion of the members of Coyote had experiences from prostitution, and even fewer were involved in prostitution. Coyote did, however, manage to implement some changes that women in prostitution would benefit from, for example to abolish the quarantine regulations for women who waited to test for gonorrhoea. But their aim was to mainstream the argument that prostitution has to be recognized as a common profession for women. With Coyote, once feminist arguments started to be used as a defence for prostitution, several organizations with similar ideologies have later been founded.

The Swedish cultural journalist and author, Kajsa Ekman, was curious about what was hiding behind the concept of sex workers' trade unions. She travelled around Europe for about two years and interviewed the leaders of these organizations (ibid.). She found that the members were a mix of pimps

1. After this editorial was written, the Norwegian evaluation was published with the same main results as in Sweden.



and lobbyists for the sex industry and that very few of the members were actually prostituted women. Ekman sums up that she was not able to find a single organization that deserved the name of trade union; an organization that is operated and funded by members who make trade union claims to a counterparty.

The concept of trade unions appeals to left-wingers and feminists. Trade unions create a picture of a collective struggle for common interests. Ironically, this concept also appeals to parts of the right when it comes to the context of prostitution. Only then are they supporting trade unions, a social movement they otherwise detest and fear. No need to worry! These trade unions are not engaged in union struggles. If they did, one could ask: Who would be their counterpart? Customers? Brothel owners? Users of the concept of trade union do not see any conflict of interest between these actors and the women in the sex trade. The real enemy, the power of man's oppression on women, is replaced with an enemy image of a bigoted women's movement. It is claimed that the problem with prostitution is not prostitution itself, with its contents of physical and psychological violence and oppression of women, but the stigmatization the prostituted women meet from uptight women. What these unions are primarily engaged in is distribution of propaganda to legalize prostitution.

The concept of trade unions is related to the third key concept: The sex worker. This concept can also receive some ideological recognition on both the left and the right side. The struggle for workers' rights is a huge matter for the left side. The notion of the free market where people can trade their goods and services without any restrictions, and where the market's oppression of poor people's needs is a just and natural consequence, is neoliberalism and right-wing notions. As a continuation of the arguments against the current law that criminalizes the purchase of sex, we find the little noticed consequence that a larger market for prostitution with then a larger demand would be better than the current market. The greater the market for prostitution, the more customers will be generated. The more customers, the shorter the women have to wait for their turn. The more customers, the easier it becomes to screen out the violent ones. The more normalized prostitution becomes, the easier and less shameful men's exploitation of women's bodies becomes. The concept of the sex worker is definitely not intended to abolish prostitution neither in its scope nor in its content, but to transform the image of prostituted women to free, independent commodity owners of their own bodies, and to transform the customers into purchasers of common services just as haircuts and car washes. To consider

the sale of a woman's body as normal work, the body must be separated from the self; it is not the free active self that is sold to satisfy a multitude of unknown men's sexual needs, it is just sexual services, like other sold services. The concept of the sex worker who sells sexual services creates an illusion of the body and soul seamlessly joining together again once the transaction is over.

It is not difficult to understand and respect that some women in prostitution need to present their situation in this manner. Ericsson calls it "to choose the inevitable". Choosing the inevitable is a way to preserve the pride and sense of being a subject with her own agency, and not an object for other people's needs. This is a common strategy among many, many women, but the oppression will never be made visible or challenged by this strategy. The objectification of women in prostitution is far stronger than of other women, and their life situations are characterized by very few opportunities for other life strategies. It is almost peculiar that so few women in prostitution choose this strategy; this also tells how women experience prostitution.

For a sociologist of law or a criminologist, it is neither difficult to understand nor to respect that people have different views regarding the criminalization of customers. Legislation made out with the best of intentions has often proved to be full of loopholes, traps and dangers. Legislation in support of oppressed groups requires continuous pressure from activists and grassroots movements to be enforced. We see this in Sweden and Norway where the enforcement of the sex buying law varies a lot. The grassroots movement must again take action; the fight against women's oppression is similar to housework, with its constant recurring labour and the performing of repetitive tasks. Under the prevailing power and social conditions this is how it works and, believing there is a simple one-factor solution to fight prostitution and women's oppression, is in my view just as naive as to be disappointed that a single law does not remove prostitution and female oppression. Even so, it is still a lot better with laws that put down some boundaries against abuse than a society where abuse is legal.

I admit that it is more difficult to understand and to respect the part of the opponents to the law, who intentionally choose to veil the overwhelming documentation of pain in prostitution and would want us to look the other way. These opponents develop a specific rhetoric that creates comfortable and protective grey areas for the customers and creates the greatest possible distance to the contents and suffering in prostitution.

EVALUATION OF NORWEGIAN LEGISLATION CRIMINALIZING THE BUYING OF SEXUAL SERVICES¹ (SUMMARY)

Norway criminalized the buying of sex in 2009. The main rationale for implementing the law (from 1 January 2009) against commercial sex was to prevent and reduce human trafficking in Norway. By making it illegal to buy sex, the Norwegian Government also wanted to first, change attitudes in the population; second, reduce the size of the Norwegian sex market by constraining supply and demand and third, prevent entry into prostitution and hence reduce possible sexual exploitation of men and women in prostitution. The law also seeks to protect people in prostitution and to help people to transit out of sex work. Five years after adopting the law, the Norwegian Government wanted to evaluate its effects. The ban on purchasing sexual services is much debated in Norway and law making on this issue is complicated due to moral and ethical questions. For instance, there are worries that the law has resulted in negative side effects for people in prostitution.

Main Findings

The ban on purchasing sexual services has reduced the demand for sex and thus contributes to the reduction in the extent of prostitution in Norway. The enforcement of the law, in combination with the laws against trafficking and pimping, makes Norway a less attractive country for prostitution based trafficking than would have been the case if the law had not been adopted. Furthermore, the economic conditions for prostitution in Norway are reduced following the implementation of the law. These effects are in line with the intentions of the law and are thus not considered as unintended side effects. This report does not find any evidence of more violence against prostitutes after the ban on buying sex entered into force.

The law has reduced the market for prostitution in Norway

There are no national estimates of the size of the prostitution market after 2010. There is also large uncertainty with regard to previous market estimates and other estimates of the market today, especially with regard to indoors prostitution where one person may have more than one unique advertisement online. Despite these data limitations, there is a clear declining trend in the market after the law was implemented. The market was at its lowest immediately after the introduction of the law and

later stabilized at a lower level than before 2009. The most profound changes are found in the Oslo street prostitution market. Here, systematic field observations show that the size of the market today has stabilized at a level of 40-65 percent of the market prior to the law. One possible source of error in this data material is the timing of observations (i.e. when, during the day/night, the observations have been made and whether this timing varies over the years in the timeframe). However, the market shows the same tendencies also when this bias is controlled.

Without the law: What would have been the market situation?

Without the law, the Norwegian police would also have lost an important tool for reducing human trafficking. For instance, the police use information from sex buyers to enforce the laws on trafficking and pimping and pandering. The actors benefitting from the prostitution of others would thus have faced a smaller risk of being caught if the law had not been adopted. It is estimated – again with a high degree of uncertainty – that the market today would have been around 15 percent larger than the market in 2008 and around 45 percent larger than the actual market today.

The Effects of the law are in line with its mandate

Effect on attitudes: Kotsadam and Jakobsson (2011) find that young men in Norway have changed their attitudes towards buying sex more than older men. Furthermore, people in Oslo are more negative towards buying sex than other people in Norway.

Reduced demand: As previously outlined in this summary, the ban on purchasing sexual services has led to reduced demand for such services. The customer is now afraid of being caught and this can result in less time to decide whether to strike a deal with the customer or not as well as lower prices.

Market Reduction: The ban on purchasing sex in combination with the ban on pimping and pandering have made it harder to sell sexual services in Norway. The possible costs for the actors benefitting from other's prostitution have thus increased and their profit reduced. Taken together this has affected the supply side of the market and contributed to less prostitution in comparison to a situation without a law.



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Less attractive for human traffickers: A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors.

The working conditions of men and women in prostitution: The law that criminalizes buying sex strengthens the rights of the seller in the sense that the buyer can be reported to the police. This has given the seller a tool for managing “bad” customers as well as leading to more careful customers and possible prevention of violence. Still, women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced. On the indoors market, sex workers express concerns about outside calls; they prefer to have customers visiting them at their own apartment or own hotel room. The threshold for reporting a violent customer to the police also seems to be higher after the introduction of the law. People in the sex industry are afraid that such action may affect them at later stages. Even so, this analysis finds no clear evidence of more violence against women in the street market after the introduction of the law. It is the customer that engages in illegal action and thus has the most to fear if reported to the police by a sex worker. The police have no indications of more violence following the ban on purchasing sexual services.



Legalization Approach

POLICY CHANGE IN PROSTITUTION IN THE NETHERLANDS: FROM LEGALIZATION TO STRICT CONTROL *by Joyce Outshoorn*

I Introduction

In 1999 the Netherlands was one of the first countries to legalize prostitution: it lifted the ban on brothels, recognized prostitution as sex work and delegated the regulation of the sex industry to local authority (Outshoorn 2004a). Forced prostitution - including human trafficking - remained a criminal offence. People working in the sex industry were to become entitled to the social rights usually accruing to workers. Only EU citizens could work legally as prostitutes; those from outside the EU were not to receive work permits and thus become undocumented workers without rights and protection once their temporary visa expired. The new Act took effect in 2000.

However, currently the Netherlands is reconsidering the Act's reform: a new bill, the 'Law regulating prostitution and suppressing abuse in the sex industry' was introduced to parliament in 2009, with stricter measures to combat human trafficking and crime, but with more control of the sex industry and the sex workers. Since its introduction it has been extensively debated and amended, and its fate is still in balance. This article aims to provide insight into these two major changes in prostitution policy in the Netherlands, by asking the following questions. How did the legalization come about in the Netherlands in 1999, and what was it intended to do? What led to its reconsideration in the 2000s? What are the aims of the new bill, and what consequences is it likely to have for sex workers? To answer these questions, I will examine the policy discourses of the major Dutch actors in the prostitution debates: cabinets, parliament, lobby groups, experts, journalists and the national police, set in the context of the history of the life cycle of the issue, and analyse their major texts.

II The road to reform

a. The long road to legalization

In the 19th century the Netherlands had a system of regulation of prostitution which allowed for brothels. Following a long abolitionist campaign of feminists and Protestants, this regulation was repealed by the Morality Laws of 1911, which also criminalized abortion, contraceptives and homosexuality. Brothels were prohibited; pimps and others who lived off the earnings from prostitution were criminalized, but not the prostitutes, who were seen as women in need of redemption (De Vries 1997). The Morality Laws symbolized the new parliamentary majority of the religious parties established in the early 1900s. However, the new abolitionist regime was never effective; in the course of the 20th century policy unofficially reverted to regulation when local authorities concentrated prostitution activities in certain areas and condoned 'private houses'. This was in line with the time-honored pragmatic approach of Dutch authorities to morally controversial issues in the absence of a moral consensus (Outshoorn 2004b). As long as public order was not threatened, authorities turned a blind eye to what was going on.

Until the 1960s the Morality Laws went unchallenged. Secularization and modernization then led to the breakdown of the system of *Verzuiling* (pillarization) that had organized Dutch society vertically along the cleavages of religion and class. The religious political parties lost their parliamentary majority in 1967. The Morality Laws were repealed, save for the ban on brothels and pimping. This allowed the authorities to intervene if prostitution led to the disruption of public order.

However, municipal authorities could not cope with the consequences of the



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development of the new globalizing sex industry in the late 1970s, which spread beyond the traditional red light districts of the major cities. The Rotterdam city authorities tried to regulate prostitution, only to discover that their attempts were struck down by the courts, which argued that one cannot regulate what is forbidden by law. The issue made it to the parliamentary agenda when political parties wanted to modernize the Penal Code in the early 1980s and rid it of archaic elements such as work camps for pimps. Local authorities, united in the powerful Association of Dutch Municipalities (Vereniging van Nederlandse Gemeenten - VNG) jumped at the opportunity to reform and demanded that the ban on brothels be lifted in order to regulate prostitution.

The demand for reform was strengthened by the strong feminist movement emerging in the late 1960s. In contrast to the radical feminist discourse in many other countries, Dutch feminists moved to a pro-sex work position in the early 1980s, a framing familiar to them since the First World Whores Congress in Amsterdam in 1975. They distinguished 'forced' and 'voluntary' prostitution; only the latter was to be legalized, recognizing it as work. In alliance with feminists in government, they set three demands on the political agenda: lift of the ban on brothels to improve the position of sex workers, residence permits for women who were trafficked so that they could testify against their traffickers, and higher penalties for traffickers (Outshoorn 2004a: 186). Groups such as the Red Thread (Rode Draad) (1986), originally set up as a trade union of sex workers, and the Foundation against Trafficking of Women (Stichting tegen Vrouwenhandel - STV) that aided victims of trafficking, were the prime movers of the feminist lobby.

The new sex work discourse resonated with the broader discursive field which developed in the wake of the 1960s about sexual freedom, condemning state interference as intruding on the private life of citizens. It also drew on widespread liberal ideas about individual rights. In the new discourse, 'prostitution becomes a sexual service or sex work, a profession a woman can enter out of free will. The prostitute can dispense of her body for the purpose of prostitution by contract, in which case the state should not intervene' (Outshoorn 2001: 477). This resonance made for an alliance for the policy change of 2000; liberals of various hues and the social democrats, who ascribed to the ideals of self-determination, could go along with sex work discourse. The difference was marked by the position of the sex worker herself. For feminists she was a person who needed rights to improve her position. Liberals used a gender-neutral market discourse which desexualized the people engaged in acts of prostitution (idem 485). By treating both market parties as equal, they lost sight of the power relationships between the parties.

b. The parliamentary debate

Once on the political agenda, the road to reform proved rocky. The Christian parties in parliament might have lost their majority in 1967, but after merging into the Christian Democrat party (Christelijk Democratisch Akkoord - CDA) in 1980, the successor party occupied the pivotal position in cabinet coalitions as the largest party, ruling either with the left or the right to make up a parliamentary majority. It could thus veto any reform on moral issues. Its traditional discourse framed prostitution as a moral and social evil, prostitutes as victims, and those profiting from her as unscrupulous middlemen. Although the CDA wanted a limited reform so that authorities could do their job, the sex work frame was morally unacceptable for them.

The secular parties, however, drawing on the discourse of self-determination, adopted the distinction between voluntary and forced prostitution and embraced the pro-sex work position. Consequently there could be no cabinet consensus on the issue. When higher penalties for traffickers and more precise definitions of the offence were enacted in 1993, the CDA managed to torpedo the abolishment of the brothel ban by removing the proposed distinction between forced and voluntary prostitution from the draft bill (Outshoorn 2004a: 194, 195). The First Chamber subsequently voted down the amputated bill.

However, the political opportunities for the reformers improved hugely when the CDA was ousted from power in 1994 (the first time that religious parties were not a member of the ruling coalition since 1918). The Liberal Party, the Social Democrat Party and the Social Liberals formed the cabinet Kok I, the so-called Purple Cabinet. It drafted a new bill to lift the ban on brothels (HTK, 1996-1997, 25437, (Opheffing Algemeen Bordeelverbod), nrs 1-3, 1 juli 1997). Parliament passed it in 1999; it came into effect in 2000 (Staatsblad 1999). Voting split neatly along the religious/secular divide. The sex work discourse was not hegemonic: the Christian parties (with 26% of the seats in the Second Chamber) stuck to their abolitionist position and their traditional discourse had considerable support from the religious media and church-based organizations. However, a poll in 1997 showed that 74% of the Dutch population regarded prostitution as work and that 73% were in favour of lifting the ban on brothels (Brants 1998: 628).

III Legal changes

a. The new prostitution act

The basic tenet of the new act was the distinction between voluntary and forced prostitution. Its aims were to control and regulate prostitution, to protect minors from sexual abuse (for which the age of consent, normally 16, was raised to 18 years), and



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'protect' (not 'improve') the position of prostitutes (Staatsblad 1999). It also aimed at cleaning up the sex business and ridding it of criminal elements by introducing licensing of sex clubs and brothels. Forcing a person into prostitution remained a criminal offence, and force included the use of deceit, coercion, or abuse of authority. There was considerable support of local authority as the legalization was seen as a realistic solution for a social problem. It also fitted into the progressive Dutch discourse about tolerance, an 'enlightened nationalism' which included respect for gay rights, permissive drugs policy, a liberal abortion regime, legal euthanasia and since 2001 same-sex marriage. Sex workers were to get additional rights: the right to do work of their own choosing, to social insurance, and the recognition of their right to sexual self-determination. There were obligations too: they would have to pay taxes (if they were known to the revenue services, they were already taxed) and social security contributions.

The act delegated the implementation to the municipalities, so that they could tailor it to local circumstances. But they could not prohibit prostitution in their jurisdiction as this would be unconstitutional. Local authorities have the responsibility to see to the licensing of sex businesses, but often they leave the inspection of under age prostitution and documents of migrant sex workers to the police. Many municipalities try to retain control by zoning, using environmental planning to prevent sex businesses in certain parts of town, and limiting the number of licenses to those sex businesses already existing before 2000. Local health and safety/fire regulation also apply to sex clubs and brothels and compliance is prerequisite to obtaining a license (Outshoorn 2004b).

b. The problem of trafficking

Trafficking arrived on the political agenda after pressure from feminists and the national women's policy agency. Originally, women were trafficked from South East Asia and Latin America; after the fall of the Berlin Wall, trade routes shifted to Central and Eastern Europe. Political demands were defining the offence more broadly to facilitate prosecution and raising the penalty from five to six years, so that offenders could be held in remand custody. The 1993 revision of the trafficking articles were framed in a gender-neutral way and trafficking remained defined as forcing a person into prostitution. In the parliamentary debates on trafficking around that period, foreign women were portrayed as victims of unscrupulous traffickers tricked into prostitution. This framing was tied into a discourse about the divide between the rich and poor countries: female prostitutes from the 'Third World' were driven by poverty. In the course of the 1990s, the Christian Democrats in parliament linked trafficking to illegal

migration, opening a space for 'false' victims, who used the loopholes in the law to work illegally as a prostitute in the Netherlands (HTK 1991-1992, TK 81, pp. 4994, 4995, 20 mei 1992; p. 5001, 21 mei 1992). At the same time they also argued that all women from non-EU countries working in the sex industry were victims of forced prostitution. Therefore in their view, the best remedy to stop trafficking was to prevent non-EU women from working in the Dutch sex industry in the first place. This reasoning eradicated the figure of a woman migrant deciding to work as a sex worker in the West and who might make use of intermediaries to enter the country - with her consent. But then she was 'illegal' and ought to be deported.

Successive cabinets continued to refuse work permits on similar grounds, also arguing there was no national interest at stake which normally justifies extending work permits to non-EU persons. They were backed by a recurring majority in parliament fearing subversion of immigration policies. The refusal to grant work permits was also generally justified by the aim of stopping the trafficking of women; permits would encourage traffickers to transport women into the country.

c. Categories of sex workers

Subsequent implementation of the Act resulted in the construction of several categories of sex workers: Dutch citizens, other EU citizens who can move freely in and out of the Netherlands (until recently excluding those from Bulgaria and Romania) and finally non-EU women in the sex industry, working illegally with no rights - seen as victims of trafficking, clients of human smugglers or tourists who stay after their visa run out - the enterprising migrants. They have no rights or protection, and because of their undocumented status are open to blackmail by employers and pimps.

The number of sex workers has always been open to debate: Vanwesenbeeck (1994) estimated that there were about 20.000 to 25.000 in the Netherlands and in parliamentary debates of the 1990s the figure of 30.000 circulated. For 2009 there were an estimated number of 5150 to 7660 sex workers in Amsterdam (Van Wijk et al 2010: 9), but there are no recent reliable figures for the whole country.

IV The outcomes of the legalization

a. Early reports

The debate about the effects of the new act started almost straightaway, given the necessity of working out the details of the implementation. A first evaluation was already conducted in 2001-2002. The researchers of the Centre for Scientific Research and Documentation (WODC) of the





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Ministry of Justice found that local councils ‘froze’ the number of brothels in their precincts, not allowing new competitors to the market (Daalder 2002). Some orthodox protestant councils refused to license any sex business. Many prostitutes had little idea of their rights or duties and attempts to reach them were inadequate. The licensing system was not yet in place in all municipalities, leading to the displacement of criminalized prostitution such as underage or undocumented prostitutes to tardy municipalities. Fieldwork in the non-licensed sector noted instances of human trafficking and coercion, but the most frequent infringement of the law was the prostitute without a work permit, required by law for non-EU citizens (Goderie et al 2002; Daalder 2002: 41). Daalder also reported a shift to non-regulated types of sex work, such as sauna’s, (camper) cars, and bars (idem 44). Although the reports pay attention to countries of origin of the prostitutes, all reports are ‘color blind’.

Looking specifically into the social position of prostitutes working in the licensed sector for the evaluation, Vanwesenbeeck et al (2002) reported that sex workers had considerable autonomy, but wondered if this finding was not due to socially desirable answers. If the women are independent workers, brothel owners do not have to deal with income tax or social insurance contributions for disability and unemployment. Given abundant evidence of control by managers (e.g. about dress, working hours, and the percentage of the earnings going to the managers - indicative of the relation of employer over employee), the question arose how many of the women were really independent workers.

The National Reporter on Human Trafficking

produced a first annual report in 2002 (Mensenhandel 2002). It noted market shifts; there was not so much a displacement of prostitution from licensed brothels to street prostitution, as a burgeoning of escort services and services provided by sex workers in their homes. Both types of sex work were hard to tackle under the new licensing system. Rotterdam and Amsterdam also had notorious zones for street workers where organized and petty crime was rife and numerous signs indicated that many of the prostitutes working there were undocumented and sometimes victims of trafficking. These zones were closed in 2003 and 2004.

In the later reports of the National Reporter on Human Trafficking, there is a noticeable increase of the cases of trafficking. In 2001, 284 cases were reported, and in 2009, 909 (Mensenhandel 2010:100). The higher figures are partly due the broader definition of the offence since 2005, when the incidence of forced labor in sectors such as horticulture and the restaurant business were included. The new article (237a Penal Code) also recoded forced prostitution as human trafficking, regardless of whether national borders had been crossed (Mensenhandel 2007). It is therefore not surprising that since 2005, the most frequent country of origin of victims of trafficking was the Netherlands itself, increasing to with 39% of all cases in 2008, with a slight decline to 26% in 2009) (Mensenhandel 2010: 101).

The research showed that the legalization led to the construction of two sectors of prostitution. Firstly, there was the licensed sector of prostitutes where under-age prostitutes and undocumented workers were generally disappearing because of the

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licensing system and inspection by the police or local authority. Prostitutes working here were perceived to be white Dutch citizens, with other 'European' women making up the numbers. Secondly, there was the non-licensed sector, consisting of a variety of sex services, where pimping and coercion were still occurring and many prostitutes were 'illegal' or minors. The women working here were taken to be mainly 'foreign', coming from Eastern Europe and West Africa, who had taken the place of Latin American or Thai and Philippine women of earlier decades.

b. The public debate

Although the WODC evaluations were amply reported in the press, public indignation was first roused by several popular publications in the mid 2000s, which cast doubts on the official findings. First of all, a Social Democrat member of the Amsterdam City council, Karina Schaapman came out as an ex-prostitute by publishing a book about her past (Schaapman, 2004). She argued that most prostitutes do not choose to go into prostitution, but are more or less pressured into it because of drug addiction, debts or a past of (sexual) abuse. With her colleague Amma Asante, she published a policy report for her party (Asante and Schaapman 2005) that denied the existence of voluntary prostitution (save for a very small group of sex workers) (idem, 3). Their recommendation was to license the escort services, criminalize pimping once more as traffickers of humans, and raise the age of consent for sex work from 18 to 21 years. In 2007, Schaapman took up the issue of clients in another book (Schaapman 2007), framing the buying of sexual services as 'not normal' and casting further doubts about current policies. She inspired the Amsterdam Social Democrat Alderman Asscher to start campaigning against prostitution, and as he had direct access to the new national cabinet of Balkenende IV which included his party, the Christian Democrats and the Christian Union (CU) in 2007. In its coalition pact, the new cabinet promised a new and stricter prostitution law (Regeerakkoord, 2007).

Secondly, public concern was fuelled by a series of publications by journalists such as Ruth Hopkins (2005) against trafficking, which were picked up by the serious press, and the moral panic around the phenomenon of the 'loverboys' - Hopkins argued for residence permits for sex workers from non EU countries, but ironically she reinforced the stereotypes about the trafficking of women in her presentation. A serious anthropological dissertation, based on extensive fieldwork among Latin American women who migrated to the Netherlands to work in the sex industry for economic reasons (Janssen 2007), received scant attention in the media.

Thirdly, there was the moral panic about 'loverboys', young men purportedly forcing

vulnerable young girls into prostitution, giving rise to new welfare projects to 'save' them (Bovenkerk et al 2006). In their research Bovenkerk et al, however, discovered few 'loverboys', but abundant evidence of regular pimping. In a deconstruction of the term, the researchers show how 'loverboys' are portrayed as young men, usually of Antillean or Moroccan descent, who set out to talk young white girls into prostitution. The researchers argue that pimping is no longer the preserve of white Dutch men, who have moved on to more profitable criminal activities such as drugs trading. Pimping has become a niche for deprived young migrants for making a career in crime; the vulnerable white young girls are reminiscent of the scare of 'white slavery' of previous days. Bovenkerk et al conclude that the aims of the 2000 enactment have not been met and that, given the omnipresence of pimping, there is little to suggest that prostitutes are working under improved conditions.

Finally, two researchers of the Red Thread, Altink and Bokerman (2006) did extensive fieldwork in licensed brothels but also irregular locations as Thai massage parlors, escort services and pick-up bars, and found that working conditions of sex workers had not improved. It was still, however, in favor of the legalization, and argued for the strict maintenance of labor law, preventing criminals investing in the sex industry ensuring sex workers' bodily integrity.

c. The second evaluation

A second evaluation by the WODC was published in 2007 and concluded that some of the aims of the 2000 repeal had been achieved, such as the disappearance of under-age prostitutes and undocumented workers in the licensed part of the sex industry. At the same time, however, some of the reports on which the conclusions were based showed that there was still much amiss (Dekker et al 2006; Biesma et al 2006). The rights of sex workers had not improved; forced prostitution and pimping were still recurring phenomena despite the fact that trafficking had become more difficult by improved law enforcement. Prostitutes had not become independent workers, although the majority of them maintained they were (Dekker et al 2006: 82). This was to oblige the club owners and managers wanting to avoid the legal responsibilities of employers. Pimping was still common; escort services and non-licensed clubs could easily avoid municipal control by moving to other localities. iesma et al (2006) noted a decline in legal prostitution facilities, but a growth of the non-licensed sector of escort agencies, sex clubs for couples and sex saunas. Street prostitution did not increase. They encountered some undocumented prostitutes from outside the European Economic Area, but little evidence of a larger underground illegal sector or



any large contingent of minors working in the sex industry. The findings on trafficking concurred with those of the National Reporter of those years.

It should be noted that none of the researchers, including independent academics such as Bovenkerk et al (2006) and Wagenaar (2006), wanted to end the legalization, but argued for better implementation of the existing rules and prioritizing the costs in the police budget. From the academic research one can also draw the conclusion that not granting work permits to non-EU sex workers leaves them open to blackmail and coercion into poor working conditions and bad pay. In this way, policy actually creates the bad working conditions. Moreover, the emphasis on trafficking and vulnerable young victims has the effect of shifting the attention away from these conditions and the lack of prostitutes' social rights. Symptomatic is the scant attention these issues received in the recent parliamentary debates on the proposed Law regulating prostitution (see par. 5.b).

d. The KLPD report

The strongest indictment of the situation came in 2008 when the investigative unit of the national police published a report on human trafficking during a widely publicized case of three Turkish traffickers who ran a major prostitution network in three cities, including Amsterdam (KLPD 2008). At least 78 women can be regarded as the victims of the gang (idem, 11). Notable was that the majority came from the Netherlands and Germany; the others were from EU countries such as Ireland, Bulgaria and the Czech Republic. The investigation reported many instances of severe violence against the women, including forced tattooing, coerced cosmetic surgery, and even cases of forced abortion. The traffickers had operated quite openly in the licensed sector for several years, leading the researchers to investigate how this could have happened.

To analyze this question, the researchers examined the entire process from the first signals of forced prostitution. They showed that there are barriers to signaling abuse at each stage of the entire process; any potential observer may be cross-pressured by conflicting interests and turn a blind eye (idem 104-10). Prostitutes want the coercion to end, but will not report from fear of deportation; clients might want to help but also want to have sex; club owners and managers' overriding concern is turnover and they profit from low labor costs despite the risk of contravening regulations; social workers hesitate reporting, possibly jeopardizing their contact with the victim; local authorities work under pressure and want to avoid fuss; police, faced by performance measurement, are tempted to take up cases which are less time-consuming and easier to prove; the public prosecutor worries whether the witnesses will turn up or the case holds in court, and

may abstain from prosecuting.

The KLPD report stressed that legalization had not ended abuse in the prostitution sector. Monitoring and regulation were no guarantee that women do not work under threat of coercion. Its findings clashed with 'the dominant image of an almost cleansed prostitution branch' (idem 10).

The KLPD report had two important effects. Firstly, it questioned the distinction between the licensed and non-licensed sector, one supposedly clean and the other criminal. Secondly, it also overturned the distinction between the emancipated prostitute from the EU and the sorry victims from non-EU countries, as most of the trafficked women turned out to be EU citizens, notably from the Netherlands and Germany. The report received widespread publicity. Although there are no recent public opinion polls on attitudes towards prostitution and its regulation, the recurring media attention to all the reports, books, articles, events and incidents have in all likelihood led to a shift in public opinion about the regulation of prostitution in the 2000s.

V Political reactions

a. Back to the cabinet agenda

The recurrent publicity about the persistence of trafficking of women and the 'loverboy' panic led to a renewed framing of sex workers as young girls as victims of abuse and trafficking as organized crime. This was picked up by Christian Democrats, orthodox Protestants and the law-and-order Liberals in parliament, who started to call for measures against 'youth prostitution' involving 'vulnerable young girls' or children. The definition of 'youth' or 'child' varied in parliamentary debate. The legal age for defining minors in the Netherlands is 18 which is also the age of consent for sex work, while for sex in general it is 16 years. But in the new discourse 'very young prostitutes' were all sex workers under 23 (TK 2002-2003, 25437, 25437, nr 31. Brief Minister, 13 mei 2003, p. 12; (TK 2008-2009, 28638, nr 39. Verslag Algemeen Overleg Vaste Kamercommissie Justitie, 22 december 2008, p. 7; p. 13

As a result of the publicity and parliamentary pressure, prostitution returned to the cabinet agenda in 2007 with the formation of the cabinet Balkenende IV, which included reform of prostitution in its coalition pact (Regeerakkoord 2007: 35).

This opened the debate on revising the 1999 act. The Christian Democrats began to argue that 'the romantic expectations about the lift of the ban on brothels in 2000 have led to nothing' (TK 2008-2009, 28638, nr 39, Verslag Algemeen Overleg Vaste Commissie Justitie, 22 december, p. 30) and demanded a higher age limit for sex work as well as more exit programs for prostitutes. The Social Democrats, although they rejected the youth framing by pointing out most prostitutes are adult women,

LEGALIZATION APPROACH

went along with the victim discourse by stating that 'thousands' of women were a victim of coercion into prostitution (TK 2008-2009, 28638, Mensenhandel,, nr 44, Verslag Algemeen Overleg Vaste Commissie Justitie, 13 juli 2009, p. 2).

In the debates the emphasis on youth prostitution and the link with organized crime shifted the spotlight from the older discourses which turned 'Third World' women into either victims of trafficking by definition or as calculating migrants entering the country illegally, to Eastern European victims (making the victim change color) while at the same time 'coloring' traffickers by emphasizing their Turkish or Balkan roots. Interestingly, the new articles on human trafficking in the Penal Code of 2005 (formulated to comply with the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons) redefined forced prostitution as forced labor, and no longer tie trafficking to the crossing of national borders. While the Penal Code now obliterates boundaries, nationalities, ethnicities and gender (it talks about 'persons'), many of the public and the politicians continue to see 'white girls and young women' and 'Balkan and Turkish gangsters'.

b. The new Bill 'Regulation of prostitution and suppression of abuse in the sex industry'

The promised new bill was introduced in parliament in 2009 by the cabinet Balkenende IV (TK 2009-2010, 32211, Wet regulering prostitutie en bestrijding misstanden sex branche, 11 november 2009). It was adopted by the new minority Liberal/Christian Democrat cabinet Rutte, with the support of the far right Freedom Party, when it came to power in 2010. The bill's major aim is to regulate prostitution in order to fight human trafficking, crime, and abuse in the sex industry. To achieve this, it proposed a licensing regime of all forms of prostitution with uniform regulation across all communities (but keeping the option of a local ban open) and the registration of prostitutes. Licensing is also to apply to the escort services. The bill also proposed to raise the age for legal sex work to 21 years. If clients use the services of non-documented workers, they are liable to a fine, so as to make them 'personally responsible'. A more liberal regime to allow non-EU residents to work in the sex industry was opposed on the familiar grounds that it would make for more trafficking. The registration of prostitutes, with penalties for failing to do so - an unprecedented shift in Dutch prostitution policy - and several measures to clarify the difference between self-employment and wage work, were included to enable sex workers to work independently. Finally, the bill proposed extra measures for exit-options for those who want to leave prostitution. In the words of the Liberal Minister of Justice: 'By the introduction of a compulsory licensing system in combination with compulsory

registration and the national register of escort services, an almost closed administrative system is erected that can improve the fight against abuses in the sex industry and the judicial suppression of forced prostitution' (TK, 2010-2011, 51-8-60, Bestrijding misstanden sex branche, 10 februari 2011).

Although both cabinets have made revisions of the text following committee debate, the major intentions were more or less unchanged by the time it was debated in plenary by the Second Chamber in spring 2011. There was consensus about the purposes of the bill among the parliamentary parties, none of which contested the dominant framing. The major bone of contention during the debates was the registration of the sex workers which aimed at preventing forced prostitution by establishing a contact between local authority and sex worker to check whether she was doing the work out of free will. But the registration is also about control; in the words of the Minister for Justice, 'Compulsory registration increases the visibility and the grip on the sex sector and retrieves prostitutes from anonymity' (idem, 51-8-59). All the secular parties objected to registration on the grounds of the right to privacy. Clients have to ask for the registration pass of their sex worker, otherwise they are also liable to prosecution. After opposition that the pass would disclose the sex worker's real identity to the client, the Minister retracted the pass, but not the registration (TK, 2010-2011, 32211, nr 30, Derde Nota van Wijziging, 10 februari 2011). This left open the



question how a client is then supposed to check whether the sex worker was registered or not; an issue which has been left to later regulation.

The raising of the age of consent for sex work to 21 years, licensing of escort services, and the harmonization of local regulation was generally supported. The social rights of sex workers were only discussed at the last stage of the debates, during which the cabinet promised to take away the obstacles to their right to work. It also promised to extend exit programs for prostitutes, a favorite of the religious parties, but also supported by the Social Democrats.

Despite the reservations of the secular parties, only the Green Left party and the Social Liberals voted against the bill, so that it received a generous majority in the Second Chamber. (TK, 2010-2011, 26 maart 2011). Noteworthy is the shift in position of the Socialist and the Social Democrat party, who had both voted in favor of lifting the ban on brothels in 1999, but now went along with the new framing. The newcomer Freedom Party, who originally tabled raising the age of consent for sex work, sided with the religious parties; its discourse about victims, vulnerable young girls, the prevalence of 'loverboys', and lusting clients is little different from that of the orthodox Christian parties.

However, the First Chamber did not go along with the bill. It does not have the right to amend bills and must therefore either pass or fail the bill in its entirety. There was widespread objection to registration of sex workers and criminalizing the client if he uses the services of a non-registered sex worker, but a majority for the age limit of 21 and the control of the escort services. If the Minister of Justice did not retract the registration and client criminalization, the First Chamber would reject the whole bill. He promised to revamp the bill accordingly and the First Chamber then passed a motion to split the bill accordingly but refrained from voting on the whole bill (EK 2012-2013, 32211, 8 July).

Due to new elections in 2012, a new cabinet of Liberals and Social Democrats (Rutte 2) and a change of ministers of justice, the revamped 'repair' bill came to a vote in the Second Chamber only in June 2016, where it passed. As the cabinet does not have a majority in the First Chamber, its fate still hangs in the balance.

VI Conclusions

The Netherlands legalized prostitution in 1999 as the old articles in the Penal Code, which forbade brothels and profiting from the gains of prostitution (but did not criminalize the prostitute), no longer sufficed to control the globalizing sex industry in the last decades of the 20th century. Local authority could not curb the excesses, as the courts struck down any attempt at regulation

as contravening the Penal Code. The national association of the municipalities (the VNG) demanded the lift of the ban on brothels, so that local authority could regulate the sex industry, a demand picked up by parliament in the early 1980s. The new feminist movement developed the new framing of prostitution as work and the prostitute as a modern and emancipated sex worker. This proved compatible with the liberal discourse on the issue, favoring individual choice and treating the sex business as a normal business, and with the feminism of the Left. In this way it became the dominant discourse among the secular parties. When the Christian Democrats - opposed to legalizing prostitution - were ousted from power in 1994, the secular Purple cabinets (1994-2002) seized the opportunity to legalize prostitution, with a view to regulating it in a pragmatic way. In 1999 the new act was passed, with the voting neatly split along the secular/religious cleavage in parliament. Implementation of the new act was delegated to local authority, responsible for health and safety requirements, and sex workers became eligible for social rights as well as for paying taxes and social insurance.

However, consecutive evaluations of the new act in the 2000s showed that the new system did not solve a number of serious problems in the sex industry. Although there was now a licensed sector where few minors or undocumented workers worked, there was considerable displacement to the footloose escort service branch and evidence that abuse of sex workers and human trafficking was still around. The 2008 KLPN report showed that even in the licensed sector forced prostitution occurred and that its victims were mainly Dutch and EU women and not the stereotypical poor girls from Eastern Europe. The 'numbers' question is unsolved and remains contentious in public debate.

Important also in changing public opinion has been the widespread publicity on the trafficking of women in the popular media and the 'loverboy' panic, leading to a renewed discourse about young female victims which eclipsed the image of the modern consenting sex worker. Window of opportunity was the coming to power of new cabinet Balkenende IV in 2007, when all three coalition partners ascribed to a new framing of the issue as the trafficking of (young) women and the need to fight organized crime. The fear of illegal migration played a role in revising the law, but so did the continual publicity about forced prostitution and its victims. The new framing is compatible with the dominant policy discourse about law-and-order and migration. Crucial to the revision of the 2000 act, has been the shift in position of the Social Democrats and the left wing Socialist Party - the voting no longer running across the traditional but vanishing cleavage between religious and

secular parties. For the rights of sex workers the legal changes do not augur well. The pending new act does little to remedy the lack of social rights, and the stigma of sex work remains intact, so that many sex workers prefer to remain anonymous. The proposed registration of prostitutes and the new age barrier to work are new infringements of their civic and social rights. The right to work is 16 years in the Netherlands; and although there is no legal base for registration of sex workers, the major cities are registering sex workers at the Chamber of Commerce. This registration is a real danger to their right to privacy, undocumented workers remain open to blackmail because of their illegal status. The new legislation will make it harder for them to find work, as the client will run a risk using their services. The cabinet will not extend humanitarian asylum status to trafficked women or grant work permits to non-EU prostitutes. The categories of sex workers created in 2000 will therefore stay intact, although the occupants of the categories have different nationalities and ethnicities than in the 1990s, a consequence of the enlargement of the EU. It has to be concluded that the state, by its slack implementation of the 2000 act and lack of attention to social rights in the pending act, is responsible for creating the bad working conditions, intimidation and blackmail itself.

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Like in many other countries, trafficking and especially prostitution are heavily debated in the Finnish public discussion. One could argue that the image of women in prostitution in this debate is very black and white. Pointedly, they are either Finnish women selling sex voluntarily or foreign women that come to Finland seasonally for prostitution. The polarized discussion overlooks the reality of the prostitution system – for example the existence of under age children in prostitution, or women with drug abuse problems or victims of trafficking. The lack of their voice in the public sphere results in an inadequate service system. Services cannot be provided for people who are not recognized in the first place.

Another deficiency in the Finnish context is the lack of research. There is very little information about the prostitution system. Few quantitative studies have been conducted but for example, there are no estimations about the extent or analysis of the structural traits of the phenomenon. It is also notable that there is no academic research on minors in prostitution in Finland.

The lack of research hampers the debate in another way. As the deeper understanding of the system of prostitution is deficient, the impact of prostitution on individuals remains largely unidentified. The National Rapporteur on Trafficking in Human Beings has stated that the dynamics and the harm of sexual violence and abuse are not adequately understood in Finland.

The political and legislative frame

Trafficking of/in human beings was criminalized in 2004. The National Rapporteur on Trafficking in Human Beings has repeatedly pointed out the deficiency in identifying victims and problems in the prosecution processes. Many cases clearly indicating features of trafficking are judged as procurement. This has been acknowledged by an amendment to legislation under which the constitutive elements of trafficking and procurement are more carefully distinguished. It is hoped this will result in more cases of trafficking as, previously, even severe cases with strong indicators of trafficking were handled and convicted as procuring.

Since 2006, buying sex from a victim of human trafficking or procurement has been prohibited in Finland. Prostitution itself is not illegal. Finland hasn't followed its neighbouring Nordic countries and criminalized the purchase of sex. Finland re-evaluated its own legislation in the fall of 2009 and again in 2013. As a result, some revisions were made: in 2015 the Finnish Parliament voted in favour of tightening the provisions on sex buyers whereby buying sex from a victim of trafficking or procuring will be punishable as a negligent crime.

Finland has no written policy paper or action plan about preventing prostitution. Nor is there one governmental officer responsible for issues related to prostitution. In general, prostitution is not seen as abuse or even a phenomenon that should be discussed in policy making. This silence leads to many results, one being that children's exploitation in prostitution remains invisible.

Conclusions

Diminishing prostitution must be an objective of a modern and equal society. Criminalizing the purchase of sex is one of the most important means to tackle the demand. Finland should pass similar legislation to Sweden, Norway and Ireland.

Clearly, criminalizing the demand is not enough. Other legislation needs to be revised as well, examples being the Public Order Act in which selling sex is prohibited in the public space and the Immigration Act, where prostitution is a ground for refusal of entry in Finland. More information is also needed on prostitution generally and how officials should be trained.

Prostitution should no longer be a taboo subject.. As long as politicians, officers and activists keep silent about the issue, it is hard to really start working on diminishing and preventing prostitution. Opening our mouths will result in opening our eyes as a society to see the harm done by prostitution to women and girls, men and boys.

Mozn Hassan and Nazra for Feminist Studies receive “Right Livelihood” Award known as the Alternative Nobel

This is awarded for work conducted on several issues, including combating sexual violence against women in the public sphere and provision of various support services to survivors of these crimes; supporting women’s right to participate in the political sphere and guaranteeing the inclusion of their rights in the constitution and Egyptian legislation; supporting young feminist initiators in their work on different issues; supporting women human rights defenders and shedding light on the violations they encounter; urging the Egyptian state to undertake necessary measures to ensure a real and effective participation of women in the public sphere, and to exercise their fundamental right to bodily integrity.

For Mozn Hassan, a sense of alienation was a natural part of the landscape growing up Egyptian in Saudi Arabia. The imported labour force was a mix of nationalities, and groups tended to stay with their own. Feelings of isolation linger today, as Mozn works to advance women’s rights and leadership in Egypt. This ‘otherness’ intensified for Mozn when the family moved back to Alexandria, Egypt, in the 1990s. Her parents returned to comfortable lives in academia and politics. Home was a welcoming place for debate and discussion. But all around her, Mozn saw a different reality for the rest of Egyptian society, especially for women.

“We were always talking about equality in my family,” notes Mozn. “When I was young, my father bought me a book – a diary of one of the most important feminists. He said, ‘Read this to know that there are other Egyptian women who are thinking like you.’” Class disparities and gender discrimination witnessed as a foreigner in the Gulf later helped define Mozn’s political consciousness at university. There, amid the swirl of new ideas and nascent activism, Mozn’s lifelong passion for women’s rights was ignited. While earning multiple diplomas and a master’s degree in civil society and international human rights law, Mozn nurtured a young feminist movement, advocating for women’s political participation and democratization. This laid the groundwork for the Nazra Institute for Feminist Studies in Cairo, Egypt, where she is currently founding director.

During Egypt’s popular revolution that began on January 25 2011, Mozn remained in Tahrir Square day and night to call for freedom and democracy for all Egyptians. The end of the Mubarak regime in February 2011 marked a new beginning for Mozn, working to ensure comprehensive constitutional reforms with a strong gender agenda; building a movement and demanding a place at the table to monitor how the constitution drafting process would support all Egyptians; mentoring and preparing women to run for election. Vital Voices identified Mozn for a new program Policy Advocates for Women’s Issues in the MENA Region. With the goal of affecting policy, procedural and legislative outcomes, the Policy Advocates program works with cross-sector teams of women from 11 countries to plan, fund and implement advocacy campaigns for issues affecting women in their home communities. In May 2011, as part of Vital Voices’ Global Partnership to End Violence Against Women, Mozn was invited along with 10 global human rights leaders to an International NGO Mentoring Program in the US which provided peer-to-peer exchange, site visits with local NGOs, and meetings with former Supreme Court Justice Sandra Day O’Connor and senior government officials at the State Department’s Offices on Global Women’s Issues and on Monitoring & Combating Trafficking in Persons. Nazra values this recognition and its vision and objectives to ensure a safe public space for women in Egypt, where they can exercise all their fundamental rights, building on what the Egyptian Feminist Movement has accomplished in almost 100 years together with local, regional and international partners.



Mozn Hassan was stopped by passport control at Cairo airport in June 2016 from travelling to Beirut to attend the Executive Committee meeting for the Women Human Rights Defenders (WHRD) Regional Coalition for the Middle East and North Africa. See <http://nazra.org/en/>



Masimanyane Women's Support Centre is a social justice and equality organisation working to end violence against women and girls (VAW). We have a 20 year history of working in South Africa and we have provided services to more than 300 000 women and girls who have survived various forms of sexual violence and sexual exploitation. We have developed a strong analysis on the particular way in which inequality is played out in our society and how it harms our ability to realise a society that is fair and just and equal.

Masimanyane has in particular had to provide services to young women who have been engaged in prostitution in and around our province as well as assisting women prostituted into our province from other countries and some who were taken from our province to countries where they were exploited.

This is an indication of the rise in levels of the commodification of women's bodies through sexual exploitation. This growing

phenomenon is harming young women, taking back the gains made in addressing gender equality, and denying women and girls the rights enshrined in South Africa's constitution and Bill of Rights.

PATRIARCHY AND PROSTITUTION

Masimanyane locates this discussion on the prostituting of women and girls within the larger issue of the struggle for gender equality and the structural impediments that lead to the ongoing discrimination and oppression of women and girls. Masimanyane views prostitution as a cornerstone of patriarchal control and sexual subjugation of women that impacts negatively not just on the women and girls in prostitution, but on all women as a group because prostitution continually affirms and reinforces patriarchal definitions of women as having a primary function to serve men sexually.

IMPACT OF PROSTITUTION ON WOMEN

Prostitution has a negative impact on women and is harmful to their bodies, minds and overall wellbeing. Women and girls report that the act of prostitution is intrusive, unwanted, and often overtly violent sex and mostly consists of submitting to acts carried out by clients or by pornographers on the bodies of women and girls.

One woman reported having to have oral sex and being forced to "drink" the ejaculated fluid of the "customer" and being consumed by fear of contracting HIV or an STI. Another woman reported to being forced to have sex with a dog while the man watched.

Some young women in prostitution have reported having various objects being forced into their vaginas and anuses or having groups of men ejaculate on them simultaneously. Most accounts are at best horrific and always dehumanising.

HEALTH IMPACT

Women suffer health consequences as a result of prostitution which includes harm to their physical bodies through various acts of physical violence including in some cases of having instruments penetrate various orifices by men who buy their bodies. Some report unwanted and forced pregnancies, sexually transmitted infections including HIV, abortions, urinary tract infections and much more.

The harm to the mental health of women and girls is also extensive as is the social harm through stigma and discrimination. Most women seeking the services of Masimanyane talk about the desire to escape prostitution rather than a need for protection in it. At the very least health services are critical to both their physical and mental health.

Violence and degradation, even when not acted out, are inherent conditions of sex in prostitution. For one thing, the possibility of violence is always present; for another, sex mediated by money means power to dictate what sex will happen. Most women selling sex do not have such power to negotiate.

HUMAN RIGHTS

South Africa is a country in transition from an apartheid system to a human rights system and the Bill of Rights in our constitution confirms these rights. Prostitution violates the right to physical and moral integrity. It violates the prohibition of torture and of cruel, inhuman or degrading treatment or punishment because of practices of sexual "entertainment" and pornography. It violates the right to liberty and security and the prohibition of slavery, of forced labour and of trafficking in persons because many women and girls are held in sexual slavery to meet the demand of male buyers of sex. It violates the right to enjoy the highest standard of physical and mental health militating against a healthy sense of and relationship with their own bodies.

PROSTITUTION AS WORK

Most advocates agree that there is no way to detect a distinct market for those who are "voluntary sex workers" and a separate market for those who are victims of trafficking and forced into prostitution. The demand and the market are the same. Men exercising their power in this case, their economic power to obtain access to women's bodies. The arguments that vindicate prostitution as "sex work" only promote the expansion of the sex industry and the business of pimps and traffickers.

Both Germany (2002) and the Netherlands had legalised prostitution lifting the prohibition against promoting prostitution and theoretically gave women the right to contracts and benefits in prostitution establishments. World renowned expert on Prostitution, Janice Raymond reported that "five years later, a federal government evaluation of the law in Germany found that the German Prostitution Act, as it is called, had failed to improve conditions for women in the prostitution industry nor helped women to leave. It has also failed to reduce crime in the world of prostitution". As a result, the report stated that "prostitution should not be considered to be a reasonable means for securing a living".

Results were equally bad in the Netherlands where prostitution and the sex industry have been legalized since 2000. Two official reports in 2007 and 2008 have soured official optimism about the Dutch legalization model.

The government-commissioned Daalder Report found that the majority of women in the window brothels are still subject to pimp control and that their emotional well-being is lower than in 2001 "on all measured aspects." The Dutch National Police Report puts it more strongly: "The idea that a clean, normal business sector has emerged is an illusion..." They are now backtracking on the legalization of prostitution in that country.

Legalization of prostitution is a failed policy in practice. The prostitution policy tide is turning from legalization of prostitution to targeting the demand for prostitution without penalizing the victims. Countries that want to be effective in the fight against trafficking and not havens of sexual exploitation are beginning to understand that they cannot sanction pimps as legitimate sexual entrepreneurs (business men) and must take legal action against the buyers. We need to protect women in prostitution by not criminalising them and extending services and support to them. Their human rights must be respected, protected, promoted, and fulfilled. At the same time we cannot consider decriminalising the entire sex industry because of the harm it inflicts on the bodies and lives of women and girls.

The call should be on building communities where women are not having sex as a means for survival and where their social, cultural and economic rights including health, housing, education, work opportunities, etc. are guaranteed. We recognise and affirm that some women do choose to sell sex and those women's rights should be respected and protected.

The argument that prostitution is a legitimate form of work for women and that there are sometimes no better work options for women is to give up political battle for women's non-prostitution economic empowerment and to tolerate the growing operations of enormously lucrative sex businesses that absorb women as the raw material for their industry.

Accepting prostitution as a viable "work opportunity" will open the way for the rife exploitation of young women and girls. Pimps will be given the right to trade these young women as commodities resulting in profits for themselves and extensive harm to the victims. The guarantees made in the constitution and bill of rights and gender equality will continue to be undermined if we decriminalise the entire sex industry.

CONCLUSION

Masimanyane's view is that we have a duty to imagine a world without prostitution as we have learned to imagine a world without slavery, apartheid, infanticide or female genital mutilation. Ultimately gender relations must be restructured so that sexuality can once again be an experience of human intimacy. We should work at reclaiming and reconstructing a sexuality that is life-enhancing, mutually respectful, and beneficial and if it is heterosexual, based on gender equality.

Our state must respect, protect, promote and fulfil the human rights of women and girls in the country.





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