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**How and why do Sex Workers' Rights NGOs' demands contrast with the Positions and work of other civil society organizations on tackling the issues of prostitution in the European context?**

**Rethinking Prostitutes' Human, Labour and Civil Rights.**

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## **Abstract**

Historically there has been a persistent conflict between policy-makers and activists when in attempting to address prostitution. This conflict is currently translated legally by four different scopes of action implemented across Europe, which propose to tackle the issues concerning prostitution. However, international sex-workers-rights' NGOs, speaking on the behalf of sex workers across Europe have consistently issued reports and statements that clearly describe the inefficiency of all four legislative measures implemented so far. The resilience towards new approaches is clearly seen in the debates among influential agents e.g. feminist scholars, feminist activists, and governmental or non-governmental institutions. Abolitionists argue that prostitution has to be interpreted as a product of a capitalistic, patriarchal, and heteronormative society and thus can only be seen as 'sexual exploitation' of and violence against women. On the other hand, the regulative approach acknowledges prostitution as work and thus imposes a set of specific regulations, rights and duties to protect all sex workers while at work. As representatives of prostitutes all over Europe, European sex-workers-rights' NGOs demand the generation and implementation of strategies of social and political inclusion made specifically for sex workers, which encompass the diversity of experiences sex workers can undertake. Furthermore, they argue that total decriminalization of prostitution is paramount since it is the most empowering and efficient approach in protecting sex workers' interests, health and labour rights.

## **List of Abbreviations**

**AI:** Amnesty International

**EP:** European Parliament

**EU:** European Union

**EU28:** European Union 28 Member States

**EWL:** European Women's Lobby

**FEMM:** Committee on Women's Rights and Gender Equality

**FSW:** Feminists for Sex Workers

**ICPR:** International Committee on Prostitutes' Rights

**ICRSE:** International Committee on the Rights of Sex Workers in Europe

**MEPs:** Members of the European Parliament

**NSWP:** Global Network of Sex Work Projects

**OHCHR:** Office of the High Commissioner for United Nations Human Rights

**SWAN:** Sex workers' Rights Advocacy Network

**TAMPED:** European Network for HIV/STI Prevention and Health Promotion among Migrant  
Sex Workers

**THB:** Trafficking in Human Beings

**WPR Approach:** Carol Bacchi's 'what's the problem represented to be?' Approach

<b>Introduction .....</b>	<b>6</b>
<b>Introduction .....</b>	<b>6</b>
<b>Problem Formulation.....</b>	<b>13</b>
<b>Methodology .....</b>	<b>14</b>
<b>Research Design .....</b>	<b>14</b>
<b>Mixed Methods Research .....</b>	<b>16</b>
<b>The ‘What’s the problem represented to be?’ Approach.....</b>	<b>18</b>
<b>Structure of the Project .....</b>	<b>21</b>
<b>Theoretical Framework.....</b>	<b>22</b>
<b>The Prostitutes’ Rights Movement.....</b>	<b>28</b>
<b>Citizenship .....</b>	<b>31</b>
<b>Body Politics.....</b>	<b>36</b>
<b>The Prostituted Body .....</b>	<b>40</b>
<b>The ‘Whore’ Stigma .....</b>	<b>42</b>
<b>Human Rights Based Approach .....</b>	<b>44</b>
<b>Data Collection.....</b>	<b>46</b>
<b>Group 1: Sex-Workers Rights’ NGOs Demands .....</b>	<b>46</b>
<b>International Committee on the Rights of Sex workers in Europe (ICRSE) .....</b>	<b>46</b>
<b>Sex Workers’ Rights Advocacy Network (SWAN) .....</b>	<b>47</b>
<b>European Network for HIV/STI Prevention and Health Promotion among Migrant     Sex Workers (TAMPEP) .....</b>	<b>48</b>
<b>Feminists for Sex Workers .....</b>	<b>50</b>
<b>Group 2: Other Civil Society Organizations and their Positions.....</b>	<b>51</b>
<b>European Women’s Lobby (EWL) .....</b>	<b>51</b>
<b>European Parliament’s Committee on Women’s Rights and Gender Equality     (FEMM) .....</b>	<b>55</b>
<b>Amnesty International.....</b>	<b>57</b>
<b>Statistics on Prostitution.....</b>	<b>60</b>
<b>Comparative Analysis.....</b>	<b>62</b>
<b>(1) What is the problem? .....</b>	<b>63</b>
<b>(2) What presuppositions or assumptions underlie this representation of the     problem? Identify binaries, key concepts and categories. ....</b>	<b>66</b>
<b>(3) What effects are produced by this representation of the problem? Consider the     following kinds of effects: how subjects are constituted within this representation,     the limits imposed on what can be said and lived effects. ....</b>	<b>71</b>
<b>(4) What is left unproblematic in this representation of the problem? Where are     silences? How would ‘responses’ differ if the ‘problem’ were thought about or     represented differently? .....</b>	<b>72</b>
<b>Conclusion.....</b>	<b>74</b>
<b>Bibliography .....</b>	<b>75</b>

## Introduction

The aim of this chapter is to lead the reader through the general subject and the problem formulation research that will be covered along the thesis. It establishes the context and summarizes the background information.

## Introduction

“What constitutes prostitution is defined differently by society, by the people who engage in it, by the legal system, by historians, and by researchers.”

Patricia Whelehan<sup>1</sup>

Due to globalization and our society's fast economic and technological progress there are noticeable social, cultural and economic developments, which facilitate and promote mobility and more employment opportunities on a global scale. Today's neo-liberalist economic paradigm promotes a competitive market and creates demand for new livelihoods while encouraging people to strive towards improving their life conditions. Simultaneously, both men and women have access to a broader set of job offers and are encouraged to engage in migration – if we leave out the existent migration policy constraints, that privilege specific groups or populations while neglecting many others. On the other hand, the notion of the traditional nuclear family as well as intimate relationships has been arguably changing being exposed to the effects of changing demographics, shifting social mores, new dynamics of partnerships and family relations and also new links between intimacy and global markets (e.g. social media platforms) (Maher, Pickering and Gerard, 2013). The sexual revolution brought a myriad of new intimacy and interrelation possibilities and encouraged people to challenge old prejudices, stereotypes and social constructs defining sexuality and sexual identities. Furthermore, some of the old stereotypes connected to prostitution have been proven unjustified, e.g. HIV transmission, prostitutes as loose women, victims of child abuse or as drug users); whilst researchers, politicians and activists' interest in studying and addressing this topic increased (Matthews, 2008). All of this has contributed to the change in the sex industry<sup>2</sup> services, offers and business possibilities (Maher, Pickering

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<sup>1</sup> Retrieved from: 'An Anthropological Perspective on Prostitution (2001).

<sup>2</sup> 'Sex Industry' refers to "a range of practices involving the Exchange of sex and/or sexually related goods or services for money." (Nagle, 1997).

and Gerard, 2013). There is a greater global mobility, the rise of new forms of intimacies and new employment patterns, which contribute to increase the market demand and the rate of sex workers crossing borders in search of better income opportunities (Ibid.). It is important to emphasize the situation of many migrants which have been blocked legally to move towards better livelihood conditions, which on one hand does not deter them to migrate, and consequently on the other hand makes them even more vulnerable.

Meanwhile, new technologies enable prostitutes to explore new business opportunities and arrangements. From being invisible and a taboo to becoming pornographic stars and celebrities, today's sex workers can take many shapes and roles within the sex business. The term 'sex work', coined in 1978 by activist Carol Leigh, refers to a myriad of experiences that can be quite different from one another and that vary according to several demographic dimensions such as: cultural setting, sex, age, ethnicity, education, social class, type of work, working conditions, legislative regimes, etc. Each facet, and within that each worker, will surely have a different take, which makes questionable whether the term 'sex worker' can be useful as a political and even social category. In this work I will focus solely on the study of the so called 'world's oldest profession', i.e., Prostitution. To conceptualize prostitution I use Oustshoorn's (2004) definition that describes it as:

*"... the exchange of sex or sexual services for money or other material benefits; in more academic terms it can be defined as a social institution which 'allows certain powers of command over one person's body to be exercised by another'".*

(Oustshoorn, 2004, p.3)

Most of sex business clients are men and most sex services sellers are women, a fact that translates unequal power relations between the sexes (Oustshoorn, 2004). Despite an increase in opportunities and demands within the sex-industry market, the legislative situation concerning sex work is far from being able to accommodate all these changes and protect the needs and rights of prostitutes (Maher, Pickering and Gerard, 2013). Legal sex work gets caught up with illegal sex work. Kelly, Coy & Davenport (2011) in a study of 9 countries across the world, all implementing different legislative regimes on

prostitution, identified that solely Sweden displayed a “pure” and assertive prostitution regime, whereas the others were confusing, incomplete and/or contradictory.

The regulation regime only addresses some parts of the sex trade, representing in most cases, a set of harmful restrictions, which work against prostitutes. It compromises their safety, profit and personal lives. It is frequent to include trafficking and sexual slavery into sex work discourses, which narrows down the understanding of the phenomenon of prostitution, discarding the possibility of having a holistic, valid take on what the main constraints prostitutes undertake are as well as their main demands and necessities (Ibid.). In sum, human trafficking and other forms of coercion for the purpose of sexual exploitation are not the only forms of exploitation prostitutes can undertake. Recently published reports, yet again, emphasize the exploitation that is produced by third parties<sup>3</sup>; law enforcement agents, unsupervised/uncharged clients and finally the State (ICRSE, 2016). Simultaneously, it is known that researchers have been engaged in studies that are impregnated with prejudices about prostitution (Pheterson, 1990). There are several tendencies and pragmatic aspects within prostitution research, which in the end serve as obstacles to productively, conceptualize and address the issue. On the one hand, researchers highlight a difficulty inherent to attain reliable knowledge about the scale of prostitution, to contact prostitutes, and the diversity of social, legal and political contexts that can shape prostitution across different nations and social groups. On the other hand, there are common erroneous tendencies, which lead researchers to represent prostitution in a light based on prejudices, stereotypes and other contexts that depict the whole of prostitutes with characteristics that belong to other populations, e.g. drug-addicts, migrants, victims of human trafficking, victims of child-abuse, transgender people, etc (Ibid.) or produce a normative image of prostitution/prostitute either too idealized or too pessimistic. In sum, the scant reliable data added to all the stereotypes, stigma and prejudices about prostitution results in a biased and constricted framing of prostitution, whether it is within the academic, political or social realms (Pheterson, 1996; O'Connell Davidson, 2002; Outshoorn, 2004). Despite the fact that all of these populations formerly

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<sup>3</sup> *“Third parties play a key role in organizing and managing sexual commerce, handling transactions between sex workers and their clients, or providing ancillary services that support the sex industry. It includes: sex worker’s bosses, brothel keepers, agents or managers, as well as those letting premises for sex work, offering advertisement, transport or security.” (ICRSE, 2016, pp. 8-9).*

mentioned can be linked and engage in prostitution doesn't provide descriptive data about prostitutes. Rather, it provides data of each of these populations and that they also might engage within prostitution, for different reasons, as a consequence of their experiences and life contingencies (Pheterson, 1990). Gail Pheterson points out that the *"deconstruction of the category 'prostitute' is necessary to counter prejudice and to conduct scientifically valid inquiry."* (1990, p. 397). Thus, in this work I will be exclusively writing about the experience of self-identified, self-determined female prostitutes working within Europe, and no other type of sex worker. In this sense I abstain to use the term sex worker as frequently as some authors do, as it is a broad reference to any type of work that involves a sexual component and that can be anything from prostitution to sex telephone operators (Outshoorn, 2005).

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In the past five decades, prostitution has been a theme with rising popularity among policy-makers, researchers, feminists, and the general public. Nevertheless there are contrasting legal frameworks tackling prostitution across Europe - according to rather subjective and conflicting concerns - ranging from a prohibition to a partial legalization or even an active legalization and regulative systems (Ibid.). There are countries that show no interest about the topic, e.g. Spain, where prostitution practices is neither legal nor illegal (Kelly, Coy & Davenport, 2011). Yet the effectiveness of all legal regimes has been proven insufficient to tackle all the various problems derived from the topic of prostitution. Most sex workers still experience human rights' abuses, a high rates of violence, discrimination and stigmatization on a daily basis. These regulatory schemes are essentially forged based on prejudices and stereotypes about 'sex' instead of being structured according to the study of labour market conditions (Ibid.). Influenced by limited understandings of workers' protection the responses available end up being modulated by often-contradictory priorities. Within Europe there is a great contrast of priorities within policy discourses that address prostitution. Notions of workers' vulnerability and human trafficking schemes dominate over the economic stipulations created by global inequalities and global markets as well as over prostitutes' voices and human rights. Through this work I expect to acknowledge prostitutes voices, right to self-determination and identify their main demands. As Maher, Pickering and Gerard (2013),

I believe that only through achieving safe, profitable and ethical working conditions will prostitutes be able to enjoy protection against the exploitative and concerning aspects of sex work. Nonetheless sex work has yet to be officially determined as labour.

The exchange of sexual services for money or goods happened parallel to the advent of the first agricultural societies (Whelehan, 2001). It was a product of specific socio-economic alterations (Ibid.). The conception of the category of prostitute as we know it today – a person (typically a woman) that has sex with several partners an exchange of money or goods - is historically intertwined with the process that shaped our current economic paradigm. Additionally, it played a role in shaping women's sexuality, and by association, men's as well; or vice-versa (Whelehan, 2001). Through a rigorous gender analysis Giulia Garofalo (2002) was the first author to highlight the central role prostitution plays in the construction of the gender identity of the client as male, since the dynamics that move prostitution reflect the action of general structures that produce social inequality (gender, race, class). In this case it is the males domination of females. Thus it is a pertinent topic since it allows us to further an understanding how social constructs can shape the way we experience our sexuality, sexual and gender identities; and the impact of these social influences on our daily lives and how we build as well as experience our intimacy and relationships. Nonetheless, prostitution is reported to have a more harmful impact on women than on men, but ultimately it affects all genders. It is so since these effects reflect one's individual choice on how one chooses to experience one's intimacy and sexuality, which is directly connected to how people relate to each other as well as it mirrors how these interactions are greatly influenced and sculpted by a neo-liberal, patriarchal, institutionalized governance. Thorbek and Pattanaik (2002) present a self-descriptive and self-experience-sharing based profile of male sex tourists that puts forward the fact that most of them claim that interpersonal relationships are difficult and imply time, skills and responsibilities that these male clients don't have, can't afford or simply dismiss as something important. However, the relationship they establish with prostitutes is highly marked by great distancing, detachment, and irresponsibility and deeply supported by sexist and racist mores.

Prostitution consequences and impacts are nowadays being increasingly studied and recognized among both cisgender sex workers and minority groups such as LGBTI

people (specially among transgender people), and migrants (that migrate in search of better work and economic conditions). For these minority groups, who are already exposed to greater social pressures (e.g. lack of educational opportunities, exploitative work conducts), engaging in prostitution comes as a way of survival since it can allow them an economic independence and stability. Unfortunately, this independence comes with numerous costs, risks and personal sacrifices, as this population is exposed to multiple forms of discrimination.

In this work I also aim for an understanding what is the social, legal and labour settings of prostitutes working in Europe. My focus will be to conduct a comparative analysis on what are their demands – since I acknowledge prostitutes to be autonomous agents with self-determination - and compare it with the work and positions towards prostitution of organizations whose work goals are (1) eliminating violence against women; (2) women's empowerment; (3) The implementation of gender equality throughout all sectors that define social, political and cultural life; and (4) to fight for the safeguard and implementation of human rights as well as to protect and empower vulnerable minority groups. Since civil society organizations have been the key responsible actors in enabling social and political changes and progress regarding prostitution this work studies the links, contrasts and cooperation between two distinct groups of civil society organizations. The first group is 1) Sex workers' rights NGOs, run by sex workers and allies, advocates for and promotes sex workers demands and human rights. The second group is 2) human rights and gender equality organizations run by activists with a broader spectrum of action such as women's rights, gender equality and any type of human rights abuses. This project problem is that there is no consensus on adequate conceptualizations of prostitution, nor strategic measures to comprehend and protect prostitutes. So, it is the goal of this project to understand what is failing in order to achieve joint cooperation among the aforementioned groups of civil society organizations – since they manifest the same aims: the elimination of violence against women and human rights abuses. Specifically I want to propose an understanding of how EWL, FEMM, and AI's positions concerning prostitution contrast or not with prostitutes' demands proposed by ICRSE, SWAN, and TAMPEP. Furthermore, I will analyse what are interactions between the 2 groups and what are the results of these interactions. Accordingly I will analyze and

compare official documents and statements from European Women's Lobby, FEMM, and Amnesty International as well as from prostitutes' ran NGOs: ICRSE, SWAN, TAMPEP and Feminists for Sex Workers. The results will be interpreted through Bacchi's 'WRP' approach, which means it will be possible to comprehend how prostitution is problematized by each one of these agents and how each way of problematizing it affects the achievement of formerly proposed goals. Moreover, I will present a feminist analysis of the power relations that define the social and professional status, the body and the agency of whores<sup>4</sup> within EU countries. With this work I also hope to increase the understanding of the political and academic logic underlying a social system that stubbornly refuses definite human statutes to women who deliberately choose to perform this profession. Thus, throughout this thesis I will also dedicate space to understand studies and dissertations that mirror the power relations that underpin current legislative practices, official public discussions and opinions about prostitution.

I finish this introductory chapter by adding that prostitutes' right to self-determination is a crucial motivation to write this dissertation and that by analyzing prostitutes main demands reported through sex-workers-rights' NGOs I intend and hope to highlight and give space to prostitutes' voices and their main concerns.

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<sup>4</sup> I have decided to use the word 'whore' since it is deeply attached to cultural connotations, which are often pejorative and misused. Its misuse in current discourses maintains social stigma, several types of discrimination and abuses. Hence, by using this word in the context of this work I aim at reclaiming it as a political term that should be used in discussions about prostitution, to acknowledge the stigma and build a more realistic, moral judgment free and thus pragmatic representation of people who sell sex.

## Problem Formulation

The study of sex work as a social, political and cultural phenomenon is relevant today, as it always was, due to its anachronism and cross-cultural pervasiveness. Prostitution is a highly gendered matter fueled by several types of inequalities and surrounded by multiple forms of discrimination and stigmatization (Schulze, Canto, Mason & Skalin, 2014). Most people performing prostitution are women and they are exposed to several types of violence on a daily basis. There is a little or no safety for most of the prostitutes. Additionally, it is a well-studied fact that human rights abuses are commonly associated with the practice of prostitution. Despite all the negative aspects inherent to prostitution, thousands of prostitutes continue to work mainly because they are able to earn good incomes and achieve economic security and independence. For others such as transgender people there aren't many other occupational choices if they want to maintain their transgender identity and live as transgender people – due to the binary social construction of gender. These multiple forms of discrimination and stigmatization function as a trap for prostitutes since they feed and tend to expand the cycle of violence they are subjected to. Moreover, it takes away the possibility of considering prostitutes as individuals that are consecutively deprived from their basic human and civil rights, forcing them to continue to live and work within the sex trade, and in often toxic environments that ultimately will contribute to a decay rather than an improvement of their overall health and well-being. Despite all of these considerations, sex work and sex workers continue to be neglected by a state, by society, researchers and some feminist and social activists. There is an ongoing academic and political debate on how to tackle prostitution mainly led by abolitionists vs. regulation supporters, even though both positions conflict with what sex workers' rights NGOs' demands are.

Therefore I wonder:

**How and why do Sex Workers' Right NGOs' Demands contrast with the Positions and work of other civil society organizations on tackling the issues of prostitution in the European context?**

## Methodology

The objective of this chapter is to set a constructive description and explanation of the research design, methods and data collection selected to be applied in this thesis.

### Research Design

A methodological framework is necessary to perform and achieve an effective analysis of the study matter, which will allow the researcher to answer to a specific problem-question (Suppes, 1970). Therefore while building the methodology is paramount to plan and propose a strategy that asserts which ones are the best tools in order to carry on a given study (Ibid.). Research involves several important components such as philosophical assumptions, research designs and distinct methods or procedures. All these elements are interconnected; the philosophical views brought by the researcher will influence the research design that will influence the selection of specific methods of research, which will finally allow putting the approach into practice (Creswell, 2013). Simultaneously, as a researcher I conduct this study with the awareness that the causal thinking expressed in the comparative analysis section will be more of probabilistic nature as it is most adequate to use in social research (Ibid.). Due to the complexity embedded in the dynamics that account for prostitution, as a gendered, structured, ‘trade’ system within a diversified context such as Europe, it is extremely difficult to provide a deep description of the situation. An analysis on the circumstances and thus explorative explanations of this multidimensional, socially stigmatized and historically shifting matter would require a more in-depth, long-term study approach than what I am able to plan in this work. Additionally, there is a difficulty related with reaching and recruiting participants in order to collect data inherent to the study of this matter since it is a highly stigmatized, private and in some cases prohibited or illegal activity, happening mostly behind closed doors. In this work I will rather focus on the study of the contrast – identifying similarities and differences - between actions concerning prostitution that are taken by several civil society agents all fighting to achieve common goals such as: gender equality, women’s empowerment and implementation of internationally stipulated human rights treaties. The method used in this thesis is Carol Bacchi’s WPR’s Approach. This approach was forged to analyze policies and policy-making processes and identify problems through them.

This happens as it suggests that policy-making is deeply influenced by specific, preconceived interpretations of a given problem that are rooted on taken-for-granted knowledge and dogmas. By obeying to such conceptual structure, most policy-making and policies end up forging the problem as it is assumed to have a rigid, innate origin rather than ‘being open’ to identify and address the problem objectively without framing it by any assumption. Through this approach Bacchi aims at objectively identifying and addressing the roots that explain and account for the problem as a paramount procedure to produce more efficient and non-biased policies (Bacchi, 2010). Furthermore, as theoretical framework I will use the feminist theory of Body Politics as a theoretical framework, Citizenship and Human Rights Approach to contextualize and guide the proposed analysis of this work; namely explain how and why do Sex Workers’ Right NGOs’ Demands contrast with the Positions and work of FEMM, EWL and Amnesty International on tackling prostitution in the European context. I will analyze official statement-work documents and official public interviews of both prostitutes’ rights’ activists and elite representatives of humanitarian organizations. In this way it will be possible to acquire information from macro-level actors through a quick analyses of legal regimes, intermediary-level actors (EWL, FEMM, AI and Sex Workers NGOs’ representatives) and micro-level actors (Prostitutes testimonies). In the analysis, following Carol Bacchi’s work, I will focus on three interconnected forms of effects: discursive effects (what is discussed and not discussed); subjectification effects (how people are thought about by others and how they think about themselves); and lived effects (the impact on life and death). Moreover I will answer the questions 1 to 4 proposed by this approach. Ultimately, this work aims at developing a comparative study to build a theoretical framework explaining the considerable variation and contrasts in the understanding of prostitution within the European context by intermediary-level agents as well as what are their current strategies to cope and tackle the issues of prostitution. Subsequently, this work will expose how and why these identified contrasts among intermediary-level actors have impacts on macro-level actors while addressing the issues of prostitution, and on micro-level actors – in this work, exclusively prostitutes.

### **Mixed Methods Research**

As far as research approaches go, for this study I opted by a mixed methods approach as it fits best with the complexity of data gathered to carry out the present study. It combines elements of both qualitative and quantitative approaches, being both essential to the discussion of this work's subject. This approach to inquiry allows the combined analysis of both qualitative and quantitative data as well as incorporates philosophical assumptions and theoretical frameworks, which result in an intricate, multidimensional and therefore a more complete understanding of the study of a subject (Creswell, 2013). Therefore both pragmatism and mixed methods research help collecting and analyzing different data sources, methods and techniques in order to achieve a rich perspective of the problem, aspect that is equally underlined in Bacchi methodological WPR's approach (Bacchi, 2010; Creswell, 2013). In the terminology used by John Creswell (2013) this work will take pragmatism - as its position – in relation to the philosophical assumptions motivating this study's conception. By adopting a pragmatic position I propose an understanding of prostitution as a pluralistic, real world problematic focusing on the actions, situations and consequences of current prostitution practices and policies rather than in antecedent conditions.

Through the use of mixed methods research, knowledge claims are based on pragmatic fields, data is collected from different sources and the researcher is encouraged to explore different strategies and combine different methodological tools in order to achieve an optimized understanding of the problem. The collected data can be both narrative information (qualitative) and numeric information (quantitative). Each one of the percentages can vary freely. In the present study, the collected data is predominantly of qualitative nature while quantitative information serves to strengthen the argumentation (Ibid.). The collected qualitative data includes statements of work, human rights charters, documents of demands and official policy proposals. The quantitative data exposed consists of statistical data on demographics of, health, welfare and well-being rates experienced by prostitutes. Once all the information is gathered, according to the procedures of mixed method research it must be combined and interpreted so a complete picture of the problem at study can be attained. It is necessary to combine these different data sources to achieve more valid and precise results justifying, explaining and

answering the problem/question of this work (Ibid.). Despite the possibility of combining these data sources in various ways, in this work we will embed quantitative data within the qualitative data, through which the quantitative data will function as a support of the qualitative information gathered (Ibid.). By doing so I will adopt a convergent parallel design as it is the more adequate to this study since it corresponds to the collection of both qualitative and quantitative data, roughly at the same time for its posterior integration and interpretation as results (Creswell, 2013).

In sum this master thesis research will be built according to a Mixed Methods approach based on a pragmatic worldview and convergent parallel design, which all translate a research methodology that requires the incorporation of both quantitative and qualitative data, whereas in this case the quantitative information appears embedded in and as a support of the qualitative data, which accounts for the most of the collected data. The results will therefore be built upon an analysis and interpretation of combined qualitative and quantitative data, both collected at roughly the same time frame.

### **Data Collection**

The selection of which methodological approach to use is a paramount step in an investigative work. It will consist in a set of tools that will allow the investigator to deal with the problem and find the answers to it. In this work we mostly focus on the analyses of discourses that translate the human and citizen rights of prostitutes, statements of work, of social and human rights demands, of testimonies and official policy-proposal documents from three different civil society organizations. Prostitution is surrounded by a stigma, and defined to a great extent by social and cultural mores (Denzin & Lincoln, 2000). In Europe it represents a complex real-life problem and in order to address it one has to definitely use methodological tools and collect a vast variety of empirical data and materials. Thus, this study will be mainly based on the use of qualitative data. Qualitative data is utilized to explore and understand the meaning individuals or groups ascribe to a given social or human problem and it relies on the use of words, rather than numbers, and on answering to open-ended questions (Creswell, 2014). It is worth mentioning it supports colouring in nuances and re-distributing the location of a voice – prostitutes' voices in this case - rather than creating tight, constrictive boxes. It is an exploratory

approach and aims at interpretation of complex, rich, diversified and context-specific data (Xing and Christensen, 2016). The qualitative material used for this study will be the review of documents and audio-visual material collected from official websites of, and press releases by the respective organizations and NGOs. More specifically, official position statements published on organizations' official webpages, documents of statements of work, documents of policy proposals, official interviews with organizations and NGOs representative bodies, governmental memos, journalism information published on media, testimonial interviews from sex workers and ex-sex workers activists. Simultaneously the quantitative material used, as support for the qualitative data, will consist of statistical data retrieved in studies run by NGOs, by academic researchers and by other responsible entities on specific matters related to the experiences of prostitution concerning public health, economic status, exploitation, experienced-violence rates and social matters within Europe.

### **The 'What's the problem represented to be?' Approach**

"We need to generate evidence based policy rather than provide policy based evidence."

Roger Matthews<sup>5</sup>

In order to strengthen this thesis analysis and facilitate the discussion and articulation between qualitative and quantitative data I decided to use Carol Bacchi's 'What's the Problem Represented to be?' approach. Bacchi's WPR approach is a pioneer method that enables researchers to analyze several dimensions of policy (e.g. policy as discourse) that has been rising as a relevant tool for both the practice and implementation of policy research (Goodwin, 2012). Indeed Bacchi's work contributed to clarify the significance of reflexive feminist policy analyses, which came to be part of feminist theory, politics and post-structuralist feminism (Ibid.). Through WPR approach it is possible to argue that policy is not necessarily the best way to solve a 'problem' but rather a system of producing 'problems' with particular meanings that affect what gets done or not done, and how people live their lives (Bacchi, 2012). In research, while comparing problematics researchers realize how e.g. 'gender equality' is filled with meaning in one-

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<sup>5</sup> (2008 cited by Kelly & Davenport, 2011 pp. 62).

context but it may take different meanings within other contexts. Carol Bacchi's WPR approach relies on Foucault's definition of discourse, becoming an instrument that enables researchers to analyze and describe policy as discourse (Ibid.). This assumptions shift the very objects of policy studies. Describing policy as discourse involves starting from the assumption that all actions, objects and practices are socially meaningful and that the interpretation of these meanings is shaped by the social and political struggles in specific socio-cultural-historical contexts (Ibid.). WPR's approach makes the researcher aware that policy must be inherently recognized as a contextual and cultural product since it is involved in constituting culture by making meanings: as well as making problems and solutions, policy discourses, ultimately produce 'facts' and make 'truths' (Ibid.). Policy discourses are thus practices that have effects, which include the constitution of subjects and subjectivities; the imposition of limitations on what can be said and what can be thought; as well as the 'lived' effects, or the material effects on people's lives (Bacchi, 2012a). Hence, through focusing on comparing or contrasting different problematics of the same problem, and how these could be understood in relation to one another researchers have an access to a fairly holistic understanding of the particular problem (Ibid.). Through utilizing WPR' approach to compare problematics, the researcher is able to identify the different ways of how a specific issue can be problematized and represented as well as the different sources, motivations and social mores underlying a specific problem and its different representations (Ibid.). Therefore it suppresses fixed normative representations of a given 'problematic' giving way to critique and creation of alternatives to dominant, fixed problems and representations previously assumed as objective, static and natural. Bacchi (2010) argues that if you have fixed categories while comparing problematics, much crucial information is lost. By avoiding a fixed, normative analysis of a certain problem this approach challenges traditional comparative methodology and politics, which allows the researcher to achieve a more complete and complex understanding of a 'problem', its roots and its 'several' social, cultural and political representations. Still this approach goes beyond analyzing competing interpretations of 'problems' (Ibid). Bacchi, based on Foucault's premise of reflexivity, proposes the researcher to analyze Oneself's Reflexivity effect, which states that while applying the five questions to one's own proposals there will always be the act

of including one's thinking as part of the analyzed materials. This means that in the process of analyzing a 'problem' the researcher's subjectivity will likely have an influence in the way 'problems' are analyzed (Bacchi, 2010). Through these postulations, Bacchi highlights the necessity for the researcher to question all their categories of analysis precisely to become aware of the impact of their taken-for-granted presuppositions and beliefs (Goodwin, 2012). Simultaneously the concept of Oneself's Reflexivity is paramount to the researcher's work as it proposes a deep introspective analysis of the influences and impact of the researchers' taken-for-granted knowledge and personal beliefs on specific topics and how those can affect the investigation and analytical process (Ibid.). Derived from Foucauldian epistemological postulations we have that main contributions of Bacchi's work are based on the assumption that knowledge is a human construction, which makes possible the co-existence of many different competing constructions of policy for the same problem (Ibid.). Through studying the impact of different constructions of policy problems as they are implemented it is observable the production of different effects in the discourse underlying policy making and how it conceptualizes the problem as well as effects in the 'lived' or materialized end result of policy implementation (Bacchi, 2012a). In short, WPR approach sheds light on the constraining impacts of taken-for-granted approaches towards 'problem solving' strategies as it enables us of the awareness that 'problems' are produced, at least partially, by one's own view, knowledge and mores concerning the 'problem to be solved' (Ibid.). So this approach enables the researcher to a broader and multidimensional understanding of a problem, as it is compelled to acknowledge the processes through which the problem is produced, instead of accepting blindly the problem as having a fixed, rigid or innate source (Ibid.). Henceforth the focus of this approach is also connected to eliminating intentional 'issue manipulation' and a strategic framing within problem solving and policy-making processes. In its place, it aims to expand the comprehension of policy by investigating the unexamined assumptions and conceptual logics ingrained within taken-for-granted problem representations, that is, to pay attention to the forms of knowledge that underpin the policy-making process (Ibid.). So we have access to the knowledge of why and how specific lives are lived in specific ways, and that this only happens due to the shaping impact of proposals that create

particular understandings of specific 'problems'. This means that through this approach we access the knowledge behind policy-making and how it ultimately shapes our lives. In order to use this approach Carol Bacchi recommends us to answer to a set of questions in relation to a certain issue. These questions are:

*“(1) What is the problem?; (2) What presuppositions or assumptions underlie this representation of the problem? Identify binaries, key concepts and categories; (3) What effects are produced by this representation of the problem? Consider the following kinds of effects: how subjects are constituted within this representation, the limits imposed on what can be said and lived effects; (4) What is left unproblematic in this representation of the problem? Where are silences? How would ‘responses’ differ if the ‘problem’ were thought about or represented differently?; (5) How/where are dominant problem representations produce, disseminated and defended? How could they be contested/disrupted?”*

(Bacchi, 2012, p.21)

The five questions prove useful in identifying both the underlying presuppositions and forms of problematics inherent to the construction of particular postulated 'solutions'. The point of the analysis is to begin with postulated 'solutions', such as policies, in order to tease out and critically examine their implicit problem representations, considering what is left unexamined and determine the effects of the current representations (Ibid.). In this work I will answer only the four first questions.

### **Structure of the Project**

This thesis consists of six chapters: introduction, methodology, theoretical framework followed by collected data, comparative analysis and conclusion.

The introduction presents a general description of the study's subject and field of interest while explaining its relevance and exposing the goals of the present study. Additionally it provides a general contextualization of prostitution as a sex-trade activity happening in Europe that includes an overview of the current legal, political and feminist debates as well as a summarized version of the rise of prostitutes' rights movement. Finally, it sets the background of the problem and states the problem formulation.

The methodology explains the research structure; more specifically it describes the research design, mixed methods research, the data collection and the WPR's approach. It

describes how this investigation is made. Subsequently, the theoretical framework provides a comprehensive conceptualization of prostitution as a multidimensional phenomenon. It starts with a broad introduction that includes: (i) all legislative measures spread out across and currently in use within Europe providing an overview of the consequences derived from their implementations; (ii) a summarized description of the feminist debate over prostitution and its link and implications on (iii) the rise of the prostitutes' rights movement. Subsequently, six subchapters are respectively presented: 'Citizenship', 'Body Politics', 'The Prostituted Body', 'The Whore Stigma', 'Human Rights Approach', and 'Statistics on Prostitution' that account for a deeper framing of our issue. These statements are followed by a description of the feminist theory of Body Politics, conceptualization of Citizenship and its correlation with 'the prostitute', and Human Rights Approach that together built the theoretical setting that on the one hand justifies the problem-question of this work, and on the other will enable a more viable analysis and valid conclusions. The data collection chapter that follows exposes the work and positions of two different groups of civil society organizations. Specifically, it presents the collected data on sex-workers' NGOs current situation and main demands, and EWL, FEMM, AI and Feminists for Sex Workers current statements of work and positions concerning prostitution. The next chapter is where the comparative analysis is made, and it is meant to tease out what are the contrasts and links between the works achieved by all the organizations of each group. The final chapter is the conclusion.

## Theoretical Framework

*"However, mainstream feminism has yet to make major moves beyond analyzing how sex work oppresses women, to theorizing how feminism reproduces oppression of sex workers, and how incorporating sex worker feminisms results in richer analyses of gender oppression."*

Jill Nagle<sup>6</sup>.

From mid-nineteen century to the end of twentieth century the prostitution debate happened between two different positions: the abolitionist that supports total elimination of prostitution, and the regulatory regime that holds the state responsible to regulate all aspects of prostitution (Kelly, Coy & Davenport, 2011). In the past years, the

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<sup>6</sup> (1997).

implementation of different legislative measures, which, as the old ones, continue to restrict the fundamental rights and freedoms of sex workers, thrived at local, national and international levels (Kelly, Coy & Davenport, 2011; Outshoorn, 2012; Toni Mac 2016). Rather than specifically addressing prostitution, many of these policies were generated as strategies to combat and eliminate organized crime and promote public health with particular emphasis on the clientele's and a general public's health (Pheterson, 1990; Matthews, 2008). Nowadays, new legislative possibilities such as a legalization and decriminalization have emerged, but instead of challenging previous models, they aim at framing prostitution through conventional social and economic policies (Kelly, Coy & Davenport, 2011). However, many European countries are currently changing their policies concerning prostitution. Following the Swedish model, France recently approved a new legislation that criminalizes sex buyers but not sex workers (Guardian, 2016). In the United Kingdom, Northern Ireland was the first part to criminalize the buy but not the selling of sex (BBC News, 2016). The remaining members are still discussing it (Ibid.). Iceland has been doing a pioneer work towards closing down its sex industry, when in 2010 Prime Minister Johanna Sigurdardottir banned all strip clubs just right after criminalizing prostitution in 2009 alongside Norway – both following the Swedish Model implemented in 1999 (Guardian, 2010). The rising popularity of the theme and the debates between abolitionists and supporters of regulation and decriminalization continues to rise, since it became a factual necessity to tackle the phenomenon of prostitution. Indeed this is a multidimensional issue that often refrained from a political, social and academic consensus, due to its multiple implications and because of the pervasive social stigma. At the moment there are various legal approaches being implemented within European countries to tackle prostitution, which have been proven insufficient in assuring an inclusive and efficient resolution of the issue (Kelly, Coy & Davenport, 2011; AI, 2015; SWAN, 2015; ICRSE, 2016; Toni Mac 2016). The first approach is full criminalization, which criminalizes all the parties involved in the sex trade, that is to say prostitutes, clients and third parties (Toni Mac 2016). As stated by sex worker and activist Toni Mac (2016), lawmakers that support this policy believe that the fear of getting arrested will deter people from selling or buying sex, but actually it just brings them to work undercover and within more dangerous settings. The second

approach is partial criminalization where the buying and selling of sex are legal, but surrounding activities, e.g. brothel keeping or soliciting on the street, are banned (Ibid.). Criminalization ends up being a trap, if for nothing else, for the simple fact that it's hard to get a 'conventional' job when you have a criminal record (Toni Mac 2016). The third approach is the Swedish or Nordic model of sex work law, which, based on the assumption that all types of sex work are intrinsically harmful and degrading, criminalizes the act of buying sex with the aim of protecting sex workers and punishing buyers (Ibid.). It subscribes to an 'end demand' approach, which is growing popular within the EU. The fourth approach is legalization (Ibid.). It is being implemented in the Netherlands and Germany and it means that all aspects and activities concerning prostitution are state-controlled and regulated. Prostitutes are made to comply with special restrictions like restricted working venues and areas, registration and forced health checks. Sex workers sometimes refer to it as a "backdoor criminalization" since politicians deliberately make regulation around the sex industry expensive and difficult to comply with (Ibid.). There is still no consensus about which option might be the most effective approach to tackle the issue of prostitution. However there are scientific evidences that all of the above-mentioned legal frameworks contribute to promote abuse of human rights, unsafe working conditions, as well as coercive and violent conducts from law enforcers, clients and general population causing harm to all sex workers (Ibid.).

It is possible to identify carelessness and abandonment attitudes from the state and responsible entities towards prostitutes, third-part actors, and even the whole of the sex industry as a subsystem incorporated in and a product of a broader social, legal and economic system, which is state governed. The matter of Prostitution has been persistently treated as secondary or even excluded from feminist and political reformist agendas, even by agents whose work gravitates towards dealing with minorities constrains and foreclosed social groups or even feminist issues (Outshoorn, 2012). There are many biased conceptualizations about the practices of buying and selling sex that block any progresses among policy-makers and social-activists (Carpenter, 2000). Consequently there is yet no consensus among different European countries regarding binding laws and policies on sex work as well as on how feminist activists should

influence the international discourse about prostitution (Ibid.). This topic still fails to engage in Europeanization<sup>7</sup>. There are still no common binding laws to regulate prostitution being adopted and promoted by the EU system. Yet, international treaties do affect prostitution policies, e.g. the UN International Convention for the Suppression of the Traffic in Women (1949) that has been a prime statement of abolitionists (Outshoorn, 2012). Among feminist scholars there is a clear division between either a critical or supportive standpoint concerning prostitution (Outshoorn, 2005; Outshoorn, 2012). The two main contrasting positions debated by second-wave feminists are the abolitionist positions which obliterates prostitutes voices and labels them all as victims of sexual exploitation and in need of protection; while on the other side of the discussion, the 'sex work position' feminists identify prostitution as a viable work but often adopt an over-optimistic position of support, which doesn't seem to acknowledge some of the typical problems within the sex industry and end up overlooking its negative consequences and effects on sex workers' lives as well as neglecting their needs (Pheterson, 1990; Nagle, 1997; Kampadoo & Doezema, 1998; Outshoorn 2005; 2008; 2012). The 'sexual domination frame' a new-abolitionist position produces a discourse that does not open space to think about prostitution as an activity that an autonomous adult may choose to perform in order to finance their independence, acquisition of free agency and control over their life (Pheterson, 1990; Carpenter, 2000; O'Connell Davidson, 2002; Oakley, 2007). It completely eliminates the possibility of freedom of choice and it fails to accept that, individuals can voluntarily entering this kind of job. For new-abolitionists, trafficking is caused directly by prostitution hence its elimination becomes a necessary measure for all states. The act of decriminalizing prostitution is seen as leading to an increase in human trafficking for sexual exploitation, and supported with statistical data (Ibid.). On the other hand, some 'sex work' supporters might display an over positive, idealized, utopic view of prostitution, and so they end up neglecting what are the main abolitionist concerns related with structural and other types of violence that prostitutes report to endure regularly (O'Connell Davidson, 2002). Oppositely to the abolitionist perspective, they accept sex work as a profession and are open to create a space to rethink

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<sup>7</sup> Europeanization consists of a top down process that promotes the adoption by other nation states of EU system norms, domestic politics, policies and polities.

prostitution in order to find new ways to tackle it respecting the sensibilities of all parties involved. It happens so, since the sex work position feminists encompasses at least two marked variations of their prime position (Ibid.). On one side there are the radical liberals who subscribe to free choice and sexual diversity and on the other there are feminists who despite understanding prostitution as sex work still hold the feminist critique that contextualizes prostitution within unequal power relations, and therefore as a product of a patriarchal society that should ultimately be eradicated (Ibid.). This position has been recently reinforced by new postcolonial reflections that tease out the strong correlation between ‘abolitionists’ and a ‘Western, white middle-class women’s movement’ whose work aims “obsessively” to “protect”, provide “help” and “save” non-western women who are massively victimized (Doezema, 1998; 2001; Agustín 2003, pp. 378, cited in: Outshoorn 2005, pp. 147). Concerning human trafficking these pro ‘sex work’ feminists contradict abolitionists by acknowledging there are sex workers that migrate exclusively to work in the sex industry to earn a living and make enough money to support themselves and their families because they “chose” to do so (Ibid.). These feminists identify the unequal distribution of wealth and opportunities on a global scale as the main reason that pushes these migrant women into prostitution (Ibid.). Occasionally, the pro ‘sex work’ feminists may have an incomplete understanding of the issue as they at times misrepresent the violence and exploitation commonly experienced by the majority of sex workers and deny the fact of how prostitution is intrinsically linked to actions, behaviors and activities that might undeniably involve sexual exploitation, coercion and exposure to several different types of violence - e.g. trafficking in human beings; sexual submission and objectification based in heteronormative power structures and dogmas; the violence, abuse and lack of opportunities that come from several forms of discrimination and social stigma (Toni Mac 2016). This absence of addressing the violence and exploitation - which are contingences of the profession and must be challenged - has been unceasingly stressed in official statements, studies, and reports conducted by sex-workers-rights’ NGOs worldwide.

Julia O’Connell Davidson in her essay ‘ The Rights and Wrongs of Prostitution’ (2002) critiques the double standards that domineer the feminist debate about prostitution: “...what is wrong with much contemporary Euro-American feminist debate on

*prostitution is that it disallows the possibility of supporting the rights of those who work in prostitution as workers, but remains critical of the social and political inequalities that underpin market relations in general, and prostitution in particular.*” (O’Connell Davidson, 2002, p. 84-85). This means that if it is understood that prostitution is a undesirable consequence of a society deeply defined by patriarchal, heteronormative and neo-liberal economic constraints, then why is it denied that all these women, men, people - making a living through selling their bodies – exist, work and therefore need to be acknowledge according to their own struggles? For this reason, O’Connell Davidson (2002) stands in between abolitionists and ‘sex work’ supporters, as she identifies fundamental points within both sides of the debate. She further elaborates the connections of sexuality with the self, and builds on this innate link to understand the contrasts between positions taken by ‘radical feminists’ and ‘sex work feminists’. The first ones are against the idea of commercializing something so deeply intimate and connected to selfhood as sex/ sexuality is. Whereas ‘sex work feminists’ perceive sex work as social work that exists independently of gender inequalities and can be as necessary to satisfy human and social needs as any other type of social care (e.g. psychotherapy, education, elderly care, etc.) and as a possible source of personal growth for the clients (O’Connell Davidson, 2002). On the other hand, the same author critiques the ‘sex work’ position for generating a over-optimist prostitution approach based on their tendency to mostly represent prostitution as utopian and prostitutes with intentions and demands of a privileged minority of ‘first world’ women. This author identifies several oppressive points within such an utopic ‘sex work’ position that reflect a lack of reference to basic concepts such as class, social relations of production, socio-economic standards, gender inequality rates, heterosexual hegemony (Ibid.). Nevertheless she also alleges abolitionists of adopting a position that drastically ignores the ongoing precarious situation/s of prostitutes all over the world (Ibid.). On the other hand, a rather relevant and further point of tension can be identified within the feminist, liberal, social and political discourses around prostitution – the issue of consent and the right to self-determination (Pheterson, 1990; Oakley, 2007; Outshoorn, 2012; Toni Mac 2016; ICRSE, 2016). Self-representation is still considered a luxury that is out of reach for many sex workers (Oakley, 2007). There is still a reluctance to listen to and believe in

sex workers reports and narratives. Some feminists have developed or adapted theories and practices, which actively silence sex workers voices and replace prostitutes' truths, history and experiences by their own agendas (Nagle, 1997; Oakley, 2007). It is not justifiable, as there has been a growing community of sex-workers' activists that fight to settle their human and citizen rights as well as being acknowledge as a work force. Through their struggle they make their voice and demands heard, but unfortunately no one is obliged to listen, let alone respond to it. As O'Connell Davidson puts it: *"There is no dignity in poverty, which denies the person full powers of agency. Yet the right to sell one's labor (sexual or otherwise) does not guarantee the restitution of dignity or moral agency."* (O'Connell Davidson, 2002, p. 94). Even if an individual voluntarily decides to become a sex worker, it doesn't mean their consent is completely based upon their freedom of choice, since the decision is often contextualized within a particular, and a highly unequal set of political, economic, and social relations (O'Connell Davidson, 2002). Simultaneously, it is necessary to do more than just pass laws that allow sex workers the same legal, social and health rights as other workers; it is essential to change mentalities and to educate not only sex workers, but also clients, third parties working in the sex industry and general public about what prostitution is, and how it came to exist as it does today in our society. In short, it is essential to understand that while it is paramount to advocate securing the same legal, social, political protections and human rights for prostitutes as for their fellow citizens, it is equally vital to understand that a prostitute doesn't have a fixed representation nor a fixed set of rigid and specific demands or interests (Ibid.).

### **The Prostitutes' Rights Movement**

The prostitutes' rights movement was created through years of interaction between sex workers, and feminist activists, and strengthened by their alliances and initiatives. It started in the United States and Western Europe in the 1970s (Kempadoo and Doezema, 1998). In the mid-70s, followed by a strike of French prostitutes, that later led to the formation of the French Collective of Prostitutes (1975), started a highly politicized prostitutes' rights movement. This particular incident inspired sex workers from around the world to start raise their voices and acknowledge their unfulfilled human and citizen rights (Ibid.). Several collectives and associations funded and formed by sex workers

started to rise throughout the world. A few examples are: the English Collective of Prostitutes (1975), the New York Prostitutes Collective (1979), the Australian Prostitutes Collective (1981) and the Italian Committee for Civil Rights of Prostitutes (1982). It culminated in 1985 with the creation of the International Committee for Prostitutes' Rights – ICPR. Through the work of ICPR the First World Whores' Congress was held in Amsterdam in early 1985s where they launched the first World Charter for Prostitutes' Rights as disclaimer that all prostitution is a forced prostitution (Kempadoo and Doezema, 1998). In the World Charter for Prostitutes' Rights, the first official rights declaration to be emitted in order to protect the rights of prostitutes worldwide, ICPR introduced, also for the first time, the distinction between 'voluntary' and 'forced' prostitution (Ibid.). This innovative declaration adopted a human rights based approach and included prostitutes demands supporting the decriminalization of "*all aspects of adult prostitution resulting from individual decision*" and also it requested a protection of well-established "work standards", e.g. freedom of selection of work place, residence, type of services provided, number of clients and any other work related conditions (Ibid.). It also demanded prostitutes to be officially acknowledge as 'working people' who have to pay taxes and obtain corresponding benefits as well as it stated that "*all human rights and civil liberties, including freedom of speech, travel, immigration, work, marriage, and motherhood and the right to unemployment insurance, health insurance and housing*" should be assured to all prostitutes (Ibid.). A global political movement seeking recognition and social change was born and continuously expanded till today. While being propelled by the global women's rights movement, media and technological progresses the prostitutes' rights movement developed and gradually caught up with globalization to become transnationally well established. From the mid-1980s, time when trafficking and prostitution went back to the political agendas of UN and EU until today's active transnational agents, e.g. The Red Umbrella Fund, International Union of Sex Workers, NSWP and ICRSE quite a few changes have occurred. In 1986 prostitution and human trafficking arose as connected issues in the EU (Ibid.). This association between trafficking and prostitution was slowly diluted as feminists of the Greens in the EP joined forces and knowledge with feminist researchers and prostitutes' rights NGOs activists (Ibid.). It was the early 1990s and in the EU was finally possible to distinguish between

human trafficking and forced (sexual) labour from prostitution or what these activists called sex work (Ibid.). Despite the continued activity reported by and among women activists, feminists and governmental agents the truth is that prostitution remains an unresolved problem for most (if not all) Western democratic states, for the UN and the EU (Outshoorn, 2005). Meanwhile several women's movement organizations, civil society organizations, NGOs and states have been attempting to make their conflicting standpoints and discourses become dominant and influence policy at local and global scale (Ibid.). As response to the development of increasingly repressive laws and policies across Europe, there was held the European Conference on Sex Work, Human Rights, Labour and Migration was held in Brussels, Belgium in October 2005 (ICRSE, 2005). The organizers were a group of sex workers based in The Netherlands that since 2002 dedicated a year of work to bringing together sex workers, sex work projects, sex worker' rights and human rights activists from all over Europe to become part of the preparation process for the conference. At the time, they established an organizing committee that later became what is today the International Committee on the Rights of Sex Workers in Europe – ICRSE. As an organized and organizing committee ICRSE felt the need to not only voice prostitutes' demands, but also to create tools in order to implement these demands clearly and assertively on a global level. Among other things, they built the 'Sex Workers in Europe' Manifesto, which is a document that sets the main demands of sex workers working in Europe. It was adjusted and finally approved by approximately 120 sex workers from 24 European countries. All the information exposed in the document was based on views shared by a majority of participants. The document was presented to the European Parliament right after its creation, still in 2005. The complete Manifesto is presented in Appendix 1 as it is part of the collected data for this thesis. Another crucial instrument was produced in the preparation process for the 2005 European Conference on Sex Work: the Declaration of the Rights of Sex workers in Europe. It was written by ICRSE, presented in the conference and endorsed by 200 delegates (sex workers and allies) from 28 countries in Europe. This particular document presents detailed and precise information on the current status of being a prostitute in Europe exposing how the different types of legislations undertaken by different European states affect prostitutes working-and-personal-lives, as well as it proposes solutions, mainly in form of demands,

shading a clear view on what are the essential needs and demands of prostitutes. This document is supported by a well-composed theoretical background, which relies on the analysis of a respectable number of Official Human Rights Documents and Treaties that establish global-human-rights norms and principles, as well as European Union Treaties and States constitutions laws and policies. However it contains demands that go beyond the rights covered by other international treaties, as they are accorded specifically to sex workers (ICRSE, 2016). This analysis allows the committee to make its point that prostitutes and sex workers in general have been neglected by the state and consecutively deprived from their basic human and civil rights within most legislative solutions implemented within different European countries (ICRSE, 2005). Simultaneously, it presents a gathering of incidents that are practical evidence of the human-and-civil-rights violations and abuses these workers have to undertake according to the principles established by the Official Human Rights' Charters and Documents they collected. The Declaration of the Rights of Sex workers in Europe is presented in full on Appendix 2. In 2013 the UN Women agency stated its support to rethink the issue of prostitution as distinct from human trafficking and sexual exploitation, rendering it a status of work that should be free of human rights abuses and crime (UN Women, 2013). Additionally they explain the potential harmful effects that conflating prostitution with human trafficking and sexual exploitation have on sex workers, as it has been proved by analyzing the impacts of several criminalizing legal regimes (Ibid.). The UN Women document is presented in full in Appendix 3. In early 2014, MEP for London, Mary Honeyball issued the "*Report on prostitution and sexual exploitation and its impact on gender equality*" to be voted in plenary on 27<sup>th</sup> February. ICRSE activists demanded all MEPs to reject this report, since it proposed the implementation of the Swedish model, by issuing a critique signed by 94 academic researchers from all over Europe (ICRSE, 2014). The critique document can be seen in full on Appendix 4.

### Citizenship

*"As with most laws governing sex work, women are disproportionately targeted and arrested, although the total number of men who participate in prostitution is far larger than the number of women."*

Jill Nagle<sup>8</sup>

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<sup>8</sup> (1997).

Feminist research has shown that the study of citizenship is contingent on contextual, cultural, political and social mores and thus can be used as an accurate instrument to assess comprehensively, in a given state and civil society, a set of practices and processes of inclusion and exclusion, participation and belonging, freedom and oppression (Siim, 2013; Le Feuvre & Roseneil, 2014). In T. H. Marshall's pioneer, trans-disciplinary work (1949) about the conceptualization of citizenship he introduced the equal-rights-based concept of 'Social Citizenship' alongside Civil Citizenship and Political Citizenship (Siim, 2013; Le Feuvre & Roseneil, 2014). I will focus on Social Citizenship since it refers specifically to the state accountability in ensuring that its citizens receive equal access to economic welfare, security, same life standards and rights (Ibid.). As the author defines it - citizenship - is a status based on the relations of individuals and social groups to public life, which enables these individuals to participate, belong and be considered full members of a community or society (Lister, 1997; Siim, 2013). On the other hand, it offers an understanding to how citizens comprehend and negotiate their rights, responsibilities, and belongings (Siim, 2013). Following this order every individual should be able to enjoy equal civil, political and social rights, as they should have to fulfill duties. Since the first formation of an organized sex-workers movement in the 80s, the main struggle of prostitutes' rights organizations has been having their civil and human rights acknowledged and fully implemented while performing sex trade services. It is then paramount to include the concept of citizenship as part of this work theoretical background, since it gives us an understanding to which extent, prostitutes working in Europe are considered citizens and as such can enjoy their civil rights and fulfill their duties or not. Furthermore it will help frame and better understand the collective agency of women's movements through civil society organizations and their impact in combating the 'citizenship exclusionary tensions'<sup>9</sup> experienced by most prostitutes (Lister, 1997). Concurrently it facilitates the understanding of how policies and discourses affect citizens' identities and welfare, which in this study becomes useful to comprehend how prostitution policies and discourses affect prostitutes' identities, citizenship and access to welfare (Siim, 2013). I will briefly conceptualize citizenship, in order to contextualize a

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<sup>9</sup> *"The greater or lesser ability of certain groups to act as citizens"*(Lister 1997, pp. 36).

posterior succinct analysis of the situation of prostitutes working in Europe concerning the fulfillment of their citizenship, which will be elaborated further in the Analysis chapter.

Marshall's Citizenship concept can broadly be described as a multifunctional and multilayered concept that is used in the field of policy, social and political studies and that is deeply intertwined with the policy-making process (Ibid.). It is multifunctional because it defines simultaneously the mechanisms of social inclusion and social exclusion, performing functions of social closure while delineating frontiers of belonging from a given societal space (Brubaker, 1992). Additionally it is multilayered because it is made of two dimensions: the formal and the moral dimensions (Schinkel, 2008). The formal dimension corresponds to citizenship rights, which aims at protecting individuals from the state and other individuals (Ibid.). On the other hand, the moral dimension supposes active participation in the political sphere. Through the formal dimension it is possible to distinguish between several types of citizenship rights such as: civil rights, political rights, social rights and cultural rights (Marshall, 1963). Thus, citizenship can be used as a mechanism of formal inclusion, or it can function as a mechanism of formal exclusion. Within formal exclusionary citizenship, only citizens have access to social rights and welfare arrangements. The opposite happens in a state with formal inclusionary citizenship where everyone has access to social rights, and can manage welfare arrangements. It is important to assess which type of citizen status is produced by all prostitution legislative approaches being implemented across Europe, although that's not the aim of this project. In our previous analysis based on sex worker's Toni Mac's analytical work of the current prostitution policies being implemented across Europe we can identify several contrasts and contradictions between the impact of current prostitution policies and the fulfillment of prostitutes citizenship rights. This highlights several problems, as it is evidence to the fact that the state's laws are not working, as they ought to in order to include and ensure the welfare of all its citizens. A more detailed analysis and respective conclusions will be drawn further on in the Analysis and Conclusion chapters.

It is a tradition, generated within feminism and previous to first-wave women's movement, the idea and claim for the right of *'legal and financial independence for all*

women' and agency as single, independent citizens (Le Feuvre & Roseneil, 2014). It emerged in Josephine Butler's (1869) analysis of marriage, in Juliet Mitchell's (1966) socialist feminist theory, in British women's (1978) liberation movement; in the thoughts and writings of several European feminist theorists (cited in: Le Feuvre & Roseneil 2014). The claim to all women acquire legal and financial independence and agency was recognized as a "*necessary prerequisite for personal freedom, self-determination and self-realisation*" by law theorist Tove Stang Dahl (1987, p.91, cited in Le Feuvre & Roseneil 2014, p.533) (Ibid.). Generated through the same line of thought derives the concept of 'economic citizenship' defined by Alice Kessler-Harris as:

*"The right to work at the occupation of one's choice; to a non-discriminatory job market; to the education and training that facilitate access to it; to the social benefits necessary to support labour force participation; and to the social environment required for effective choice, including adequate housing, safe streets, accessible public transport, and universal health care"*

(Kessler-Harris 2003, p.163 cited by Le Feuvre & Roseneil 2014, p.533)

All this civil rights will allow an individual to earn enough to support oneself and one's family. This approach is important because of two aspects; firstly it identifies the defining conditions of women's jobs such as levels of pay, promotion prospects, health and safety issues, qualifications and training, etc (Le Feuvre & Roseneil, 2014). Secondly and equally relevantly, it considers how these women's jobs influence women's intimacy and their ability to build and maintain satisfactory relationships (Ibid.). Based on the second-wave feminist claim that "the personal is political," arises a new concept named 'Intimate Citizenship' emphasizing the interactive relationship between the public and private realms of everyday life; and more specifically the close link of intimate life and citizenship (Ibid.). It calls attention to which extent individuals own and are able to have control over their own body and what happens to it (or not). Furthermore it encompasses citizens' power to control their own feelings and relationships as well as their access to get them (feelings and personal relationships) socially and politically represented and displayed in public spaces (Ibid.). Additionally it allows us to reflect on whether citizens have access to "*socially grounded choices*" and power to define their "*identities, gender*

*experiences and erotic experiences*” (Plummer 1995, p.151 cited by Le Feuvre & Roseneil 2014, p.535). It can be used as an analytical concept to assess

*“the processes, practices and discourses that regulate and shape the exercise of agency in intimate life: both the laws and policies enacted by states and polities, and the social relations between individuals and groups within civil society”*

(Le Feuvre & Roseneil 2014, p. 537)

It refers to the conceptualization that bridges the expression of intimacy, fundamental to human life, and the public political and law-making arenas that end up shaping and influencing how that intimacy is experienced. Its ultimate goal is to support the development and exercise of “relational autonomy” and secure ones healthy personal development (Ibid.). It encompasses the idea of personal choice, freedom of expression and ability to build and experience selfhood safely within the arena of intimate relationships: of sexual/love relations, friendships, family, domestic and communitarian relationships while being supported by the state and civil society (Ibid.). Thus it presents the domain of intimacy and personal life as vitally intertwined with the exercise of citizenship as Ruth Lister (2003) conceptualizes it and the exercise of politics and policy-making.

Indeed another interesting development within the study of citizenship is brought by Lister’s (2003) citizenship approach. While studying women’s social re-form as they fought to assert their position within political matters - which they did by bringing private-labeled matters to the public sphere - she understands that freedom of choice and self-development must be encouraged in order for individuals to accomplish their full citizenship (Siim, 2013). Lister’s approach has as key elements (1) rights and responsibilities and (2) belongings and participation, and suggests that empowerment of incentive of one’s freedom of choice and self-development are a vital component in the process of acquiring these elements and building one’s citizenship (Le Feuvre & Roseneil, 2014). In other words the author emphasizes the participatory meaning of being a member of a community (Lister, 2003). On the other hand, as explained by Toni Mac (2016) all prostitution’s policies being implemented now in Europe neglect or in some cases (e.g. abolitionist model) completely foreclose prostitutes’ voices and agency. Contemporary research expanded and elaborated on citizenship rights creating new

categories such as reproductive rights, ethnic rights, religious rights, ecological rights, and sexual and bodily rights. It is important to mention the influence that the development and expansion of feminism and feminist theories has had for these recent developments. Indeed, women's movements are responsible for setting women's control over their bodies and sexualities as a necessary condition to achieve full citizenship (Outshoorn, 2008). In order to do so, feminist social movements had to defy dominant political discourses around the body and change problem definition strategies and policies restricting the control over the female body (Ibid.). The same call needs to be made while facing the issue of prostitution. It is necessary to acknowledge the exclusionary pressures prostituted bodies undertake, undress them from all stigma, stereotypes and invasive health or legal control. Then to hand the sex workers a right to self-determine or represent as they are since they are the ones selling sex. They need to be allowed to be empowered enough to be accountable for the decision about selling their bodies. This latter aspect of making prostitutes responsible for themselves is paramount, as much as to hear their voices, their demands, and their troubles. Subsequently, and hand by hand with these workers, build a new approach or new approaches - methodologically and conceptually well supported by citizenship arguments - to eliminate all the violence, subordination and exploitation that comes with prostitution as practiced at the moment.

### Body Politics

*"Human bodies have been seen as clay, moulded by political and economic constraints."*

Roberta Sassatelli<sup>10</sup>

It is undeniable that there is a vital sense in which humans are their bodies (Coole, 2013). We all have bodies and we can describe them as our first home (Ibid.). We all experience our bodies' needs and see ourselves forced to respect and attend to them (Ibid.). We are made constantly aware of its appearances, abilities and power or lack of it. Additionally there is the persistent awareness of how others perceive it, us, our body. Despite all the roles that the body plays in defining our life and its perception, it has been commonly neglected within political thought (Ibid.). Definitely, one of the most significant contributions of feminist scholarship and gender politics was to reclaim the body as a

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<sup>10</sup> Sassatelli, R. (2012). Body Politics. In: Wiley Blackwell Companions to Sociology: The Wiley Blackwell Companion to Political Sociology.

significant dimension of politics (Sassatelli, 2012; Beasley & Bacchi, 2012; Coole, 2013). The conceptualization of the body as a site of female oppression began its development alongside the rise of feminist thought (Sassetelli, 2012). In the early 1970s it became an necessary to understand, develop and address politically abortion rights, violence against women and the objectification of their bodies (Ibid.). With its roots in Michael Foucault's work and the progresses achieved in gender studies, early body politics were responsible for putting in evidence the gender imbalance of most classical sociology by theorizing "*the interdependence of capitalism and patriarchy and male domination over female bodies and selves*" (in Sassetelli, 2012, p. 355). Among feminists it became then, necessary to comprehend the power relationships behind the conceptual origin of the 'body'. In short, the main aim of body politics is to distinguish which structures, "*regulate, denigrate, define or produce*" the body as well as "*to identify the ways different bodies are located and constructed.*" (Coole, 2013 p.166). Through challenging epistemological, sociological and ontological assumptions involved in the production of taken-for-granted truths about the physical body, this theory allows the body to be understood outside the bio-medical sciences. Additionally it introduced the relevance and necessity of exploring the political implications of body representations and practices (Sassatelli, 2012). Fortunately feminist researchers, e.g. Judith Butler<sup>11</sup> (1990) or Simone de Beauvoir<sup>12</sup> (1949), have empirically and theoretically proven that generally held assumptions about sexed embodiment and gender identities deserve further attention and development. It has been shown that both sex and gender are political and social constructs that vary cross-culturally and historically rather than just natural givens (Ibid.). Nowadays Body Politics concerns aim at unfolding the emotional and physical

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<sup>11</sup> The author, in her revolutionary work *Gender Trouble* (1990) dismantles all the elements that generate gender identities and exposes how these are inherently linked and are interdependent go the heretosexual matrix. Gender is for the first time seen and explained as a performative dimension, that nothing has of natural or innate, although it is built and taught as being connected to individuals' birth assigned sex. Inspired by Foucault's work, Butler points outlines the production of gender as a strong and steady discourse practice, mostly based on heteronormative social mores, and that is, thus, open to being re-defined.

<sup>12</sup> This author explains the body as a phenomenological instrument through which we can perceive and comprehend our surroundings. The author describes a dual conceptual significance inherent to understand the body. On the one hand, she assumes that all individuals are inherently located within an environment set by and totally dependent on their body. On the other hand there is space and opportunities to broaden and change this environment (our body orients us to), even if at first it is given as ineluctable. Lets take on the reproductive role and its responsibilities and how biologically and historically they have been mainly placed on female bodies, which ended up restricting women's freedom in many ways (e.g. subjugation to a domestic life, less career opportunities). In this case the body becomes political. The body is the vessel of many tasks, expectations and projections. It is the avatar enabling us to experience life, culture, work, identity and family. It can take innumerable forms of usages and purposes.

exploitation generated by predominant practices surrounding body care that target mostly women. The subjection to body care practices, e.g. plastic surgery, is ultimately led by technological innovations and rising global business opportunities (Ibid.). Indeed gender scientists managed to put in evidence how the physical body is acutely political which is explained by how the legally assigned sex does structure our entire lives, and is deeply intertwined with structuring social and economic management. It identifies us through almost all official legal documents, e.g., birth certificates, passports, drivers' licenses, credit applications, and death certificates, etc. (Hawkesworth, 2013). It continuously influences our individual freedom and sense of belonging, hence our citizenship status and its practice (Ibid.). Likewise, it influences one's access to enjoy fundamental human rights, labour opportunities and shapes most aspects of both private and public life spheres (Ibid.). Some social platforms, some professions, some tasks are attributed typically to females and others typically to males. This gendered social dynamics ensure domination and subordination to be, to a great extent, dependent on the physical body, particularly on the sex assigned at a birth (Ibid.). In fact, as stated by Coole (2013) the conceptualization of the body directly affects people's opportunities for political intervention, personal choice and individual self-expression in both public and private spheres. Consequently the body is a vehicle politically significant since it carries the effects of the intersection of sex, gender and power relations, defining the most important aspects of people's lives. These effects define vital aspects such as division of labor and shaping and formation of one's identity thus shaping one's means of expression and agency transversal to several social dimensions. The body then becomes a container for stereotypes, myths and specific rituals and a target for and instrument of power.

Despite its continuous usage in our daily lives, within politics the body is mostly desexualized, reflecting *"our culture's tendency to regard the sexual body as perhaps the most private of private matters - as highly personal, shameful or even disgusting"* (Beasley & Bacchi, 2012; p.113). Contrarily to obsolete researchers assumptions, today it is known that what is considered private can also have political implications, including sexuality and the sexual body, which are more and more discussed within states and 'social movements' political agendas and socio-political change strategies (Corber & Valocchi 2003; Beasley 1999). Basley and Bacchi propose the term social flesh as a way

to create space and express the erogenous character of the body within political studies. As the body has a great impact in how our lives are defined so will embodied conceptions of sociality affect democratic theory and practice (Ibid.). Therefore, for these authors, it is urgent to establish a link between the 'fleshliness' of bodies with political and social thought and agency. They claim that the introduction of the sexual body and social flesh into political and social discussions will allow for a revision and transformation of our view of social change, which is paramount in politics since to focus on micro and 'private' levels is inherent to expand our understanding of how social change can occur (Ibid.). Furthermore, by acknowledging the sexual body as part of the political and social thinking, the authors promote new ways of facilitating social change at the micro social levels and within spaces, discourses and practices often not considered political (Ibid.). In sum, Basley and Bacchi highlight the importance of the representation of the body in politics and policy-making. They introduce the concept of social flesh and fleshly sociality to consider the transcription of the sexual and libidinal body into political debates and policy-making processes. They argue that this concept is an essential element that was for a long time missing within an efficient and inclusive political discourse that encompasses greater social change. In this thesis, we are addressing the physical body as a labour, social and political object; since such is the case of prostitution. Prostitutes' main working device is their sexual body, which interacts with their clients' sexual needs. The sex-trade services happen by establishing a dialogue with the buyers whom seek a specific form of intimacy of sexual nature. The dynamics of this interaction, that is, the interaction between the needs of whores and the needs of clients are much regulated according to the social and political mores accepted by European nations, which are based on a neo-liberal economic system, patriarchal and heteronormative values, principles and morals that privilege male identity over female identity, male pleasure over female pleasure and males control over females. This prevents women to proper exercise several human and citizen rights (Ibid.). Concurrently, statistical evidences show that most prostitutes are women or identify as females, - in the case of transgender people - while most clients are male (Pheterson, 1996). The dynamics of prostitution presuppose prostitutes to abandon their right to personal pleasure to benefit and focus primarily on satisfying clients' pleasure and sexual needs. This, of course, can be translated by a

conscientious choice made by the prostitute, for a certain period of time, but simultaneously there is an intimacy imbalance, which may generate long-term impacts that should not be overlooked (O'Connell Davidson, 2002). While they or rather their body becomes a sexual object, all non-prostitutes are given the possibility of perpetrating despotic actions over this prostituted body, that is intrinsically linked to the person that inhabits that body (Ibid.). These domineering dynamics within human relationships exist in several social settings, interactions, structures and are even politically maintained. They are encrypted in our social structure. Moreover, both prostitutes and clients' needs can be explained to a great extent as being stipulated and determined by these social, cultural and political mores and supported by stereotypical and dogmatic ideas about sexuality and gender identities, which ultimately forge the power relations responsible for the current portrayal of prostitution in Europe. In sum, it is necessary to identify the taken-for-granted truths and values that generate and structure the dynamics of prostitution and include them in policy-making, and while generating a holistic approach to it. These taken-for-granted truths are imperatively connected to sexuality, to the female and male bodies, to the value, rules and creeds that build their symbolic representation and functionality – how we are supposed to use our bodies. So it is essential to understand the body as political as well as approach it and politicize it in new ways, challenging obsolete morality based discourses (Outshoorn, 2008). Additionally, it is paramount to develop a new framing concerning self-determination or choice, human rights implementation and to maximize control over working-conditions specific for sex workers that can be implemented on a European level (Ibid.).

### **The Prostituted Body**

*"I am looking for the body, my body, which exists outside its patriarchal definitions.*

*Of course that is not possible. But who is any longer interested in the possible?"*

Kathy Acker<sup>13</sup>

The body is the main business instrument of a prostitute. To work as a prostitute often involves intimate practices, and the usage and exposure of corporeal locations otherwise

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<sup>13</sup> Seeing Gender, in: Critical Quarterly, Vol. 37, Winter 1995, p.in Ulrike Müller essay, No Land Ho. Kathy Acker's Literature of the Body, Springerin, volume IX, issue 1/03, Vienna, 2003)

set as private. These corporeal locations can include genitals, exchange of fluids, human touch, affection and use of emotions (Maher, Pickering and Gerard, 2013). These authors define the sex worker body as being simultaneously the subject, object and a labour site in sex work. In moral debates, public health discussions and harm reduction strategies to be applied to prostitution, sex workers bodies are the central issue while the bodies of clients are barely mentioned. For the sake of solving health-related issues, most regulatory frameworks frankly expose the body of the sex worker (but not the body of the client) to demanding and persistent health checks and mandatory acquisition of medical certificates, which are reported, by many sex workers, as abusive (Maher, Pickering and Gerard, 2013). According to research data the demand for mandatory health checks and certificates is more common to happen in the case of women than in the case of male prostitutes (Pheterson, 1990). Still the issue of safety within the practice of prostitution goes beyond having regular health checks. Issues such as safe number of clients and safe guidelines for commonly requested practices or for health management and promotion of wellbeing of the worker are never discussed within health-related or regulatory legal frameworks (Ibid.). It is necessary to see the prostitutes' bodies as a working human body and not just as a nest for diseases and impurity. Furthermore, the psychological health of prostitutes is of a paramount importance but seldom considered in the process of solving their health care equation. As observed by O'Connell-Davidson (2006) the debates and discussions on safe sex-work-practices seem incomplete and inadequate as they focus mainly on protecting the safety of clients and surrounding community rather than the safety of the service-providers. Most regulatory organizations understand prostitutes' bodies as objects under 'pressure' but continuously neglect the need to define safe or appropriate guidelines for sexual work practices. It is paramount to support the study of new approaches and perspectives of sex work in order to develop a new, more inclusive model of safety guidelines for the practice of sex work and therefore safeguard the wellbeing of the workers involved in the sex trade business as well as the safety of clients, and general community. Nevertheless it is noticeable that the stigmatization and discrimination experienced by sex workers are among the main barriers to their security and a general well being. There are reports that show setbacks from prostitutes to resort to health care professionals due to the underlying stigma embedded in medical practices

that still remain based on obsolete mores and prejudices. Reports from UNAIDS and WHO support that decriminalization of sex work and safer work environments could significantly reduce HIV infections among sex workers and the general population (UNAIDS, 2009-12; WHO, 2009). Sex workers' demands for decriminalization and the recognition of sex workers' rights have been supported by several global actors such as the United Nations agencies and the World Health Organization. Since 2009 these agencies have repeatedly voiced their concerns about sex workers vulnerabilities to HIV. Their reports and collected data point out that criminalizing sex work; repressive sex work policies; the stigma, violence, and discrimination faced by sex workers are the main factors that contribute to increased risks of HIV infections among communities of sex workers (ICRSE, 2015). The policy and principles issued by UNAIDS and the WHO note that repressive legislation restricting the rights of sex workers in fact undermines public health policies by driving the sex industry further underground. Moreover, many measures are a violation of the obligation of States under international human rights law to respect, promote and protect the human rights of all persons within their territory, without discrimination, and including the right to health, privacy, to a family life, to legally leave and return to one's country, to be free from torture, inhuman or degrading treatment and from arbitrary detention, and in favor of the freedom of expression, information, association and movement.

### The 'Whore' Stigma

*"... do the body's sexual capacities constitute property in the person or is it impossible to detach sex from personhood without moral harm? Does prostitution law violate the prostitute's natural right to engage in voluntary transfers of her rightful property, or does the prostitution contract itself violate her natural right to dignity?"*

Julia O'Connell Davidson<sup>14</sup>

Gail Pheterson's concept (1990) of the 'whore stigma' highlights that just by being born a female one is susceptible to being labeled a "whore" and to be treated as such according to a given society standards, even if one does not engage in sex-trade activities. This tendency is globally spread and can be considered dogmatic. It is supported by historical

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<sup>14</sup> O'Connell Davidson, J. (2002). The Rights and Wrongs of Prostitution. *Hypatia*, 17, pp.85.

developments that shaped societies and their social, cultural and moral mores and favored a reproductive model of sex<sup>15</sup>, which values women that have sex within the context of the traditional nuclear family and for the purpose of reproduction and penalizes women who have sex outside marriage and solely for recreational or business purposes (Pheterson, 1990; Whelehan, 2001). Within the western realm, the prostitute becomes therefore a threat to the values of the traditional family, since prostitution corresponds to non-reproductive, non-partnered, and often non-emotional or committed sexual activities (Ibid.). The northern notion of sexuality<sup>16</sup> - especially of female sexuality - connected to reproduction is broadly ingrained in the matrix of our present-day heteronormative society standards and supports the dichotomy (whore vs. mother or deviant woman vs. respectable woman) that categorizes a women's identity and worth based on how they express their sexuality. Women's sexuality is thus arranged accordingly to a double-standard notion supported by the principles of a heteronormative social paradigm that feed two contrasting and conflicting stereotypes. On the one hand is the 'maternal' prototype of woman, which represents women as prone to adopt a hypo-sexualized behavior being therefore considered respectable, decent and eligible to become mothers and wives. On the other hand, it is the prototype of 'whore' or 'slut', which corresponds to hyper-sexualized women that is often conceived as being promiscuous, easy and/or perverted and commonly shamed and susceptible to accusations, insults and being attacked (Pheterson 1996; Whelehan, 2001). Irrevocably the double standard will condition males' sexuality and sexual conduct. These beliefs are disseminated worldwide and serve to keep women's sexuality under control, unknown, misunderstood and repressed (Ibid.). Concurrently, these heteronormative double-standard notions of female's sexuality are conditional to men's sexuality and its expression as it portrays the male's sexuality as innately promiscuous, dominant and therefore freer of social

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<sup>15</sup> Industrialized societies - developed from European agricultural societies - incorporated the beliefs and behavioral norms (about sex, gender, and femaleness) that value link the role of sex exclusively to reproduction and the role of known paternity, which creates the traditional nuclear family (Whelehan, 2001).

<sup>16</sup> Model that presupposes: (1) Sex for (planned) reproduction; (2) Dominance of heteronormative sexuality – all forms of sexuality that differ from heterosexual sex are not well accepted; (3) Emphasis on penile-vaginal intercourse as the main way to reach orgasm/ejaculation intravaginally; (4) Monogamy (Whelehan, 2001).

judgments. Unfortunately, the current debates on and responses to prostitution are still deeply shaped by these heteronormative dogmatic ideologies (Whelehan, 2001).

### Human Rights Based Approach

“Prostitutes continue to be legally stripped of human status and researchers are locked into misguided investigations”.  
Gail Phterson<sup>17</sup>

On 10 December 1948 the Universal Declaration of Human Rights came to life through the work of United Nations General Assembly. Propelled by the end of the Second World War, human rights entered in the agendas of many countries. A new epoch launched human rights internationally and asserted the permanent foundational norms of a new global human rights regime (Donnelly, 2014). Human rights are universal laws that pledge protecting individuals and groups from actions that obstruct their access to fundamental freedoms, entitlements and human dignity (OHCHR). These laws are universal and applied equally to every human being, and its implementation is considered a birthright (Ibid.). They comprise the right before the law to equally protect all human beings from arbitrary arrest and detention, and having an access to freedoms of religions, speech, assembly, and political participation (Donnelly, 2014). These laws are codified in international and national legal systems and independent expert committees named ‘treaty bodies’ monitor their fulfillment (Ibid.). The United Nations Commission on Human Rights (OHCHR) serves as a platform that organizes some other individuals and expert-bodies to work to clarify, elaborate and monitor the meaning of human rights laws. Additionally regional and national courts and tribunals are involved in the process of conception and maintenance of human rights laws. Despite being extensively diffused and strongly accepted principles and norms, human rights laws abide to weak mechanisms of international implementation, since this process is mostly dependent of nation states action (Donnelly, 2014). Under international treaties, the Human Rights which are guaranteed to all human beings without any discrimination concerning sex, race, birth, nationality, believes, language or any other status or opinion are: (1) The right to life, liberty and security of person; (2) Freedom of association, expression, assembly

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<sup>17</sup> Retrived from: The Prostitution Prism (1996).

and movement; (3) The right to the highest attainable standard of health; (4) Freedom from arbitrary arrest or detention; (5) The right to fair trial; (6) The right to just and favourable working conditions; (7) The right to adequate food, housing and social security; (8) The right to education; (9) The right to equal protection of the law (10) Freedom from arbitrary interference with privacy, family, home or correspondence; (11) Freedom from torture and cruel, inhuman or degrading treatment or punishment; (12) Freedom from slavery; (13) The right to a nationality; (14) Freedom of thought, conscience and religion; (15) The right to vote and take part in the conduct of public affairs; and (16) The right to participate in cultural life. The emphasis and usage of this approach showed itself paramount in this project since all sex-workers-rights' NGOs demands are based, framed and highly supported by the Universal Declaration of Human Rights (Appendix 6). Despite the work of officially assigned bodies, in order to ensure norm diffusion, implementation and maintenance of human rights, there are other fundamental constituents whose main work consists of advocating for human rights: NGOs and individuals of civil society. Nowadays, these are the key agents in the global human rights regime. These agents work usually with a well-defined focus or population, and use public political spaces, placed between the market and the state, to spread awareness of the international fundamental human rights and report its violations (Donnelly, 2014). NGOs action happens through spreading information, promoting educational and awareness programs, conducting studies and collecting relevant information on specific situations where human rights violations were signaled (Ibid.). However the implementation of human rights is a responsibility of the state, so many NGOs use this publicity – through denouncing human rights abuses – to create a guilt and shame atmosphere that pressures governments to act upon a specific human rights infringement (Ibid.). Simultaneously, it calls out international attention and claims their support while mobilizing foreign citizens to pressure their own governments to exercise pressure on the offending governments (Ibid.). Amnesty International is a great example of this type of work dynamics, and can be said the most recognized human rights NGO at a transnational level.

## Data Collection

### Group 1: Sex-Workers Rights' NGOs Demands

In this chapter I will present thoroughly the demands that have been issued by European sex workers' rights NGOs working internationally. After a brief introduction on the origin, dynamics and logistics of the organization and its foundation process, their aims, goals and objectives will be described. The special focus lies on presenting their demands, policy proposals and how they take action.

#### International Committee on the Rights of Sex workers in Europe (ICRSE)

Based in Amsterdam, The Netherlands ICRSE has the main goal of promote the human and civil rights of all sex workers at national, regional and global levels through raising awareness about prostitutes' deep-seated social exclusion as well as through promoting alliances between sex workers, allies and other civil society organizations. The following image was collected at ICRSE webpage and summarizes their aims:

The main aims of the ICRSE foundation are to bring sex workers and their allies together on a European and international level:

- to further the social acceptance and respect for sex workers.
- to promote their civil and human rights.
- to organise the support of allies.

**Image 1:** General aims of ICRSE.

Besides its general aims, ICRSE has established at the Brussels conference to keep maintenance of the network of sex-workers-rights-activists' organizations, whether at a national or international levels, through sharing relevant information and supporting their work in any possible way. The Red Umbrella Fund, among other agents, provides them financial support since ICRSE is a non-profit organization. Notwithstanding they do the work of an umbrella NGO as they connect and have alliances with 87 other NGOs across 30 countries in Western, Eastern and Central Europe and Central Asia. They established an essential platform to exchange lived experiences, expert-based knowledge, social and political support as well as mechanisms to organize new activities or strategies to re-educate on prostitution; to claim, and achieve a greater net of support for sex sellers in Europe. This organization has published a lot of reports and news pieces on the situation

of sex workers in several countries and it is a key player in the process of denouncing human rights abuses, cases of violence and exploitation currently happening around Europe. An example can be seen in Annex 5 that reports a series of assaults acted by the police on prostitutes working in Brussels. Moreover it produces literature that expands on an intersectional approach to the multidimensional issue of prostitution, including all the sub-populations within the population of sex workers, that is, migrants, LGBT people, women, workers, etc. It happens that they are launching a collection of essays that connect the rights of sex workers with LGBT right, Women Rights, Migrant Rights, Workers Rights and Health Rights. All this information can be found in their website. For this work, I will focus on their manifesto that is presented in Appendix 1.

### **Sex Workers' Rights Advocacy Network (SWAN)**

SWAN was founded in 2006 as a project within Hungarian Civil Liberties Union and became an independent organization only in 2012. Today, it encompasses a network of civil society and sex workers led groups and organizations that actively advocate for the implementation of human rights among sex workers in Central and Eastern Europe and Central Asia.

#### **Mission, vision and values**

Uniting sex worker advocates to create societies in Central-Eastern Europe and Central Asia where

- sex work is depenalized and decriminalized,
- sex workers can live and work free from violence, stigma and discrimination,
- sex workers are empowered and actively engaged in issues that directly affect their lives and health.

#### **Values:**

We recognize the right of sex workers to take agency in their lives, health and decision-making

We commit to actively involve sex workers in all levels of SWAN governance and to the protection of human rights operations

We recognize sex work as work, which is an unforced sale of sexual services between consenting adult women, men and transgender individuals.

#### **Goal:**

To strengthen advocacy by civil society including groups of sex workers, for a safer legal environment that ensures human rights of sex workers in Central-Eastern Europe and Central Asia.

**Image 3** – SWAN's mission, vision, values and goal as stated in their official webpage<sup>18</sup>.

This organization presents a strategy plan in 2014 to be implemented until 2017. On the accord that there is no efficient legal framework that effectively safeguards the human and civil rights of sex workers they propose working towards a better understanding of sex work by reporting on the impact of legal frameworks currently being implemented.

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<sup>18</sup> <http://www.swannet.org/en/about>

This work happens through assisting national partner-organizations' work (SWAN strategy, 2014-17; Appendix 8). They intend to create position papers and a FAQs' section on all legal framework approaches, as well as HIV related health and rights and sex work vs. trafficking. In order to do so they propose to review existing up-to-date global data and make a compromise to adapt to regional specific settings, using translation and other special requirements to promote their campaign at regional level. They propose to support the development of sex workers' activism at the national level in order to have responsible leadership entities providing adapted support mechanisms that empower sex workers. Additionally they propose to work on engaging all other organizations, legal actors and Human Rights and Gender Equality NGOs to work towards SWANs goals implementation. SWANs agency is ongoing and its focus is to clarify sex workers contingencies in order to propose a well substantiated strategy to allow states, policy-makers and civil society to better comprehend sex work, sex workers and what can be done to improve their current situation (Ibid.). This organization demands therefore support to the decriminalization of sex work and invites political, social and academic activists to join efforts into further investigating this subject to reach more positive resolutions.

### **European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers (TAMPEP)**

Funded by the EU, TAMPEP is an international network founded in 1993, based in Amsterdam with the main focus of answering the necessities of migrant sex workers across Europe related to the implementation of HIV/STI prevention (TAMPEP 2016). Simultaneously, TAMPEP facilitates a training of members of the network and their participation to organize lobbying and advocacy activities, and create forums and platforms at national, regional and international levels. Additionally the organization intends to carry out research concerning prostitution and migration and run projects for support of trafficked women and transgender people in partnership with national fellow-organizations by using human rights based approach (Ibid.). It operates in 25 European countries having therefore the opportunity to serve as an observatory of the dynamics of migrant prostitution across Europe (Ibid.). By doing so they are able to assess the

situation and needs of female and transgender sex workers of Central and Eastern Europe, Asia, Africa and Latin America as well as develop adequate responses (Ibid.).

**The project's aims are:**

- To promote a holistic strategy underpinned by the principles of respect and inclusion of sex workers.
- To advocate for the human and civil rights of female and transgender migrant sex workers.
- To facilitate the sharing of knowledge, experience and good practice across Europe, ensuring the needs and issues of sex workers from countries of origin, transition and destination.
- To further develop and implement effective and innovative health promotion and HIV prevention strategies and intervention models amongst migrant sex workers in Europe.
- To consolidate and further develop the **TAMPEP** network to coordinate efforts across Europe in ensuring appropriate responses to the legal, health and social care needs of migrant sex workers.
- To further develop and disseminate **TAMPEP** resources, including multilingual health promotion materials and guidelines for outreach work, peer education and cultural mediation.
- To gather quantitative and qualitative data concerning sex work in Europe, monitor and report on the changing patterns of migration, and the living and working conditions of female and transgender sex workers within Europe.

**Image 4** – TAMPEP’s aims (TAMPEP website, 2016).

They have published several reports and documents on policy demands that envisage the safeguard of the human rights of prostitutes and general sex workers. A work-statement document titled *“Beyond Tolerance and Compassion for the Recognition of Rights”* calls out for (1) the respect of the civil rights of prostitutes; (2) the freedom of self-determination of sexual choices; (3) the freedom to sell and buy sex among consenting adults; (4) the fight against the trafficking of women and for authentic regard and concern for its victims. Simultaneously TAMPEP states to be against: (1) arbitrary operation of the police towards prostitutes and their clients; (2) the moralistic hypocrisies of Government representatives; (3) the false fight, against the exploiters of prostitution, which effectively strikes only against victimized prostitutes rather than against the criminal exploiters who are members of racketeer-influenced and corrupt organizations and (4) policies that produce stigmatization and social exclusion of prostitutes (TAMPEP, 2000). TAMPEP’s demands concerning prostitution are therefore, towards finding and providing a more inclusive legal and social situation for sex workers, which discerns sex work and human trafficking and decriminalizes prostitution. This organization position paper can be seen in Appendix 14.

### Feminists for Sex Workers

These are a group of sex workers, feminists and sex workers' rights activists, all working in Europe, with a common goal: to support sex workers' self-determination and to acknowledge of sex work as work (FSW, 2016). This organization fights against legal frameworks that proved to be damaging to sex workers human rights. Ultimately the aim is to make all sex workers' voices heard, their needs acknowledge and their human rights fulfilled (Ibid.). Under ICRSE supervision this collective drafted a manifesto and presented it officially on International Women's Day (8<sup>th</sup> of March). The aims of this manifesto are to inform and highlight the support and work done by several feminist organizations, groups, collectives or individuals to achieve the decriminalization of sex work, and its recognition as work (Ibid.). Furthermore they find essential to expose how criminalization, violence, human rights violations and stigma are inherent in the practice of prostitution in Europe as well as its impact on prostitutes' lives (Ibid.). They count with 129 signatories from all over Europe and Central-Asia and 20 from outside (Ibid.).

We call for a feminist movement that situates gender injustice within patriarchal, capitalist, white supremacist societies, and is inclusive of trans people and sex workers. Our criminal justice systems are oppressive, and therefore we do not see increased policing, prosecution, and imprisonment as the only solution to violence against women, trans people and gender inequality. We believe in community interventions, long-term organising and mobilisation against the complexity of violence against women and trans people, including economic inequalities, and the lack of accessible social security nets and services.

**Image 5** – FFSW's contextualization of their stance towards prostitution and proposals on how to address the issue.

Feminists for Sex Work main calls are: 1) We acknowledge sex workers' as experts in their own lives and needs; 2) We respect sex workers' decision to engage in sex work; 3) We affirm sex workers' ability to claim consent; 4) We advocate for measures that provide real help and support to victims of trafficking, with full respect for the protection of their human and labour rights; 5) We fight to eliminate all forms of violence against sex workers; 6) We work every day to end misogyny in all spheres of life; 7) We respect migrants' rights; 8) We support LGBT rights; 9) We call for full decriminalization of sex

work; 10) We speak up against women's increasing precarisation in labour; 11) We demand the inclusion of sex workers in the feminist movement.

On their website, they present an extensive data collection of literary resources and videos with first hand testimonials of sex workers activists telling their story, and making their own demands; reports on states study cases, e.g. Hungary; interviews with AI representatives about their recently embraced project in support of sex workers human rights, etc.

## **Group 2: Other Civil Society Organizations and their Positions**

"Prostitutes' human rights have long been violated by agencies – police and public health – charged with protecting people from harm."

Jill Nagle<sup>19</sup>

In this chapter it will be presented the positions of several civil society organizations whose work main focus is to fights for implementation of human rights, eradicate violence against women and achieve gender equality. The selected organizations work at an international European level and/or Global levels and the collected information is based primarily on their official issued documents, retrieved mainly through online resources.

### **European Women's Lobby (EWL)**

I start by explaining the position maintained by the European Women's Lobby. Nowadays considered the largest European umbrella network of women's associations, the EWL was founded in 1990 with European Commission's support. It represents approximately 2000 organizations in all Europe. The creators were all representative members of women's organizations from several European countries that came together as EWL to respond to the rising need to address and defend women's interests and issues at European level (European Women's Lobby). With 25 years of field experience this organization proposes to help diminish the democratic gap between EU institutions and European citizens through lobbying at the European level, promote women's organizations participation at European level as well as play an instrumental role at the

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<sup>19</sup> (1997).

international level through instituting connections with the United Nations Economic and Social Council and the Council of Europe (Ibid.). This organization moves according to six core values: (1) Equality between women and men; (2) Diversity; (3) Peace; (4) Dignity; (5) Justice; (6) Respect and five key principles: (1) Women's rights are Human Rights (non-negotiable and indivisible); (2) Solidarity; (3) Autonomy; (4) Participation and (5) Inclusion.

Prostitution is in fact one of the issues that the EWL proposes to address. They have launched a campaign in 2011, which is still ongoing and that aims to eliminate prostitution at an international level (Schulze, Canto, Mason and Skalin, 2014). Since 2011 they have posted their standpoint towards this issue and proposed a set of measures they wish to implement to tackle the problems they understand prostitution is the source of. Their first goal is to raise awareness by “listening to the voices of ‘survivors’ ”; by “talking with ‘people’ about prostitution to confront what they think it is and what it is in ‘reality’ ”; and by “discussing its legal system”. EWL aims at eliminating the taboo around prostitution and wants to raise political and social change in order to which they propose running an European advocacy campaign with the support of member organizations working as national level partners as well as take action to develop advocacy work at EU level through engaging several MEPs. The aims of EWL are presented thoroughly in Image 6.

Concretely, we aim at a society where:

- > Prostitution is considered as a form of violence against women, an obstacle to equality between women and men, and a violation of women's human rights
- > Persons in prostitution are not criminalized, but offered services and alternatives (economic, social, housing, education, health, etc.)
- > All forms of procuring and trafficking in human beings are criminalised
- > There is generalised education on sexuality and respectful relations between women and men
- > The prostitute-users are criminalised, because we believe that they should be held accountable for their acts

**Image 6** – EWL's official standpoint on addressing the issue of Prostitution (EWL website, 2011).

They also state: *“We believe that there should be only one way to address prostitution, which is about setting a standard for human dignity for all, and it goes along the*

*abolitionist model. The EU should be leading this political and social change because the EU abides by the very fundamental principle of equality between women and men.”* (European Women’s Lobby).

According to the information published in their webpage, EWL believes that all prostitution should be eliminated. They justify their position with the assumption that all prostitution is in fact sexual exploitation (which is clear as EWL proposes that EU action should be taken towards prostitution through the Lisbon-Treaty’s Article 83<sup>20</sup> - whereas Article 83 aims at defining serious criminal offenses - where trafficking in human beings and sexual exploitation of women and children are included and the only crimes that can be related to prostitution). They also justify their position by mentioning the poor implementation of UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This convention, ratified by the majority of member states, aims to address the issue of trafficking human beings and any type of exploitation of others through, among other measures, demanding member states to eliminate prostitution. Furthermore, this organization presents several analytical studies conducted to investigate the effects of different legislative approaches to prostitution and how they influence rates of human trafficking (Ibid.). In all their studies the subjects - prostitution and human trafficking - are thoroughly discussed as if they are inherently connected; prostitution therefore is not investigated outside the realm of trafficking in human beings. There is a particular document named “The Links between Prostitution and Sex Trafficking: A Briefing Handbook” that is particularly biased when it comes to explaining prostitution as an ancient activity that fulfills specific vital needs for both the buyers and the sellers. While there is no doubt that human trafficking is a serious punishable crime, in this handbook, the authors persistently connect the same type of coercion and forcefulness inherent to trafficking in human beings to all activities and

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<sup>20</sup> Article 83

1. The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offenses and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offenses or from a special need to combat them on a common basis.

These areas of crime are the following: terrorism, **trafficking in human beings and sexual exploitation of women and children**, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

services provided by prostitution and explain it to be innately part of all prostitutes' experiences. Although several studies are presented, there are no testimonies from actual active prostitutes in the reports. Nonetheless, EWL webpage reserves a section called "Survivors' Testimonies" that links the visitor to seven different blogs, of seven different women that have in common having been prostitutes and having been abused while working as prostitutes. As they are "survivors" it is implied that they are no longer working as prostitutes, still they provide their own experiences about it. Experiences of actual active prostitutes, still working there are none. Finally, EWL offers support to persons in prostitution as long as they fit the profile of someone who's looking for "*alternatives and services to be able to decide to quit the system of prostitution*" (European Women's Lobby). Additionally they offer the possibility to gather NGOs, other organizations and agents who are interested in providing help to 'persons in prostitution' through proposing the Nordic-Baltic Pilot Project: Support and Assist Women Victims of Trafficking for Sexual Exploitation (2008)<sup>21</sup>. Still on the topic 'the links between human trafficking and prostitution: "*the EWL believes that by tolerating the systems of prostitution, we support traffickers and organized crime. When addressing trafficking, we have to address the root causes, and they are clear: it's the prostitution and the sexual exploitation of some women for the demand of some men, that fuels trafficking in human beings for sexual exploitation*" (European Women's Lobby, pp.<sup>22</sup>). They perceive and categorize prostitution as being inherently a form of 'violence against women'. Overall EWL presents an abolitionist standpoint that envisages eradication of all systems of prostitution as the only solution to accommodate the reality of prostitution. Based on abolitionist principles, EWL action ranges from calling out people and raise awareness to particular types of violence undertaken by prostitutes, as they state in their webpage: "*We want people to talk about prostitution, confront what they think it is with the reality, discuss their legal system, listen to the voices of survivors, etc*" (European

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<sup>21</sup> "A Pilot Project, including NGOs and government agencies from the eight Nordic and Baltic countries, working together to develop the best possible models to support and assist women who are trafficked, placing the needs of women at the center of all activities" (EWL webpage, 2011).

<sup>22</sup> <http://www.womenlobby.org/Q-A?lang=en>

Women's Lobby, pp.<sup>23</sup>). Indeed they believe it is an essential topic to bring within political and social change discussions, campaigning at EU level, and supporting the development of national campaigns through advocacy work of their member organizations.

### European Parliament's Committee on Women's Rights and Gender Equality (FEMM)

FEMM is a Committee responsible for the definition, promotion and protection of women's rights and the removal of all forms of discrimination based on sex within the EU and beyond. It aims to accomplish the implementation of equal opportunity policies, in order to establish gender equality in the labour market.

In January, 2014 they supported the completion of an own-initiative report titled '*Sexual exploitation and prostitution and its impact on gender equality*' (2014) aiming at understanding whether prostitution could be voluntary or has rather to be regarded always as a violation of women's human rights as it is perceived by new-abolitionists. By doing so, FEMM acknowledges that despite the identified general tendency of international law and literature to explain prostitution as being concomitant with sexual exploitation and trafficking in human beings, there are recent literary evidence pointing towards an intersectional understanding of prostitution as it is encoded by complex cultural, power and different-social relations (Schulze, Canto, Mason and Skalin, 2014). It is through elaborating on these different power relations that the report states that prostitution is a gendered issue – most cases of prostitution are women/girls selling their body to men/boys, and not the other way around – and therefore cannot be supported as a legitimate business because it goes against the principles established in the Charter of Fundamental Rights by encompassing high rates of gender inequality. They mean that the social contingencies and power relations that structure prostitution are created by intersecting forms of inequalities. They state: "*The broad range of qualitative social research is, however, often biased towards either the abolitionist or the regulatory approach*" (Schulze, Canto, Mason and Skalin, 2014: pp. 10). They proceed "*it has to be noted that the approach of the abolitionists to blur the distinction between women selling*

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<sup>23</sup> <http://www.womenlobby.org/Q-A?lang=en>

*sex and women sexually exploited does not seem to be helpful. The problem is that sexual exploitation by third parties is no longer separated from violence inflicted by clients*” (Schulze, Canto, Mason and Skalin, 2014: pp. 10). This report data claims that there is a scarcity of information on the dynamics of prostitution, and its market to make a possibly valid, definite decision on how to tackle the issue (Ibid.). Still, they recognize that there is scientific evidence that liberalized prostitution markets contribute to increasing numbers of trafficking in humans. The main disadvantage and criticism over the regulatory legislative system is its lack of intersectional gender-sensitivity. It is so because this approach fails to recognize the gender inequalities that underlie the systematization of prostitution. These gender inequalities are institutionalized conditionings of a society governed by capitalistic and patriarchal power structures that shape prostitution as well as a large number of other labor activities and services, in a way that puts women in disadvantage and susceptible to greater exploitation contingencies. The authors highlight that *“the debate takes place in a society with unbalanced power relations between men and women, notably regarding financial and economic resources”* (Ibid. pp. 19).

Moreover, in their report, FEMM calls out attention to several informational gaps found throughout the analysis of several academic and organizational documents such as the role of law enforcement (e.g. police). They concluded by stating that despite the straightforward debate between abolitionists and regulation supporters it remains questionable whether either of these categorizations is really helpful (Schulze, Canto, Mason and Skalin, 2014). The authors emphasize the need to further evaluate the success in fighting trafficking for sexual exploitation and its connection to prostitution legal regimes, as well as the impact of the latter in the lives of self-determined sex workers (Ibid.).

Despite the ambiguous evidence concerning all the currently implemented legal regimes, in February 2014, as a result of a plenary session on the topic FEMM issues a press release with the title *“Punish the client, not the prostitute”* (Appendix 10). Here they present to EP a resolution that urges all EU28 to reduce the demand for prostitution by punishing solely the clients rather than the prostitutes. The same resolution is justified by the fact that *“prostitution violates human dignity and human rights, whether it is forced or voluntary”* (FEMM Press release, pp.1). Furthermore they request member states to

find exit strategies and optional sources of income for women who want to stop selling their body (Ibid.).

In April 2016 the committee launches an Opinion official document (Appendix 9) on fighting against THB in EU's external relations. In this document, once more they highlight:

*“3. Notes the normative effect generated by the Swedish model on decreasing demand and suggests the introduction of similar normative measures in the EU28 and through its external relations;”*

(FEMM Opinion, 2016, p.3)

FEMM has adopted a well-defined neo-abolitionist position that consistently follows the Nordic or Swedish model, and aims to Europeanize it.

### **Amnesty International**

It is a human-rights-advocacy organization with well-established global agency that aims at tackling diverse inequality issues as well as promotes partnership among grassroots activists and civil society movements. Its current work entails protecting and empowering people all over the world on the basis of global charter of human rights and it goes from abolishing the death penalty to protecting sexual and reproductive rights, and from combating discrimination to defending refugees and migrants' rights. Amnesty international states, *“We speak out for anyone and everyone whose freedom and dignity are under threat”* (Amnesty International).

Amnesty international decided to take a stand about prostitution in 2015. In May of 2016 an official proposal document was published titled *“Amnesty International policy on state obligations to respect, protect and fulfill the human rights of sex workers”*, which contains exclusively policy demands to national states to act upon the issue of prostitution. The decision for AI's involvement and support towards Sex Workers Rights' NGOs' demands happened due to clear evidences that the majority of sex workers are greatly affected by high rates of human rights abuses as well as experiences of multiple and intersecting forms of discrimination and structural inequalities. It is because all these dimensions play a role in a person's decision to engage or remain in sex work, on their health status and overall security that AI trusts it is paramount to create policies that address prostitution through an inclusive, multidimensional approach, that to some extent

can distinguish sex work from trafficking in human beings, as well as the problematics that arise from multiple forms of discrimination experienced by all sex workers. It mentions that special attention should be given to the minorities groups and their status within the sex industry, since these make up for a broad percentage of the total of sex workers (e.g. transgender people, migrants, economically-disadvantaged women) (AI, 2016). They find it essential to create a social and political environment that enables prostitutes and sex workers in general to feel confident enough to report their experiences while workers and all their cases of experienced violence and abuse alongside a training program to enable law-enforcement institutions to adequately investigate and punish the aggressors (Ibid.).

**In particular, the policy sets forth that states must:**

- Address underlying harmful gender and other stereotypes, discrimination and structural inequalities that drive marginalization and exclusion and lead to individuals from marginalized groups selling sex in disproportionate numbers, and to discrimination against sex workers;
- Comply with their obligations with respect to all people's economic, social and cultural rights, in particular guaranteeing access for all to education and employment options and social security to prevent any person from having to rely on selling sex as a means of survival due to poverty or discrimination;
- Combat gender and other forms of direct and indirect discrimination and ensure that the human rights of all individuals, including women and girls, and those at risk of discrimination and abuse because of their sexual orientation or gender identity and expression, race, caste, ethnicity, Indigenous identity, migrant status or other characteristics of their identity, are equally respected, protected and fulfilled;
- Repeal existing laws and refrain from introducing new laws that criminalize or penalize directly or in practice the consensual exchange of sexual services between adults for remuneration;
- Refrain from the discriminatory enforcement against sex workers of other laws, such as those on vagrancy, loitering, and immigration requirements;
- Ensure the meaningful participation of sex workers in the development of law and policies that directly affect their lives and safety;
- Refocus laws away from catch-all offences that criminalize most or all aspects of sex work and towards laws and policies that protect sex workers' health and safety and that oppose all acts of exploitation and trafficking in commercial sex (including of children);
- Ensure that there are effective frameworks and services that allow people to leave sex work if and when they choose; and
- Ensure that sex workers have equal access to justice, health care and other public services, and to equal protection under the law.

**Image 7 – AI policy demands on states.**

**States should implement the above positive obligations through the following three levels of interventions:**

1. Applying criminal laws to prevent forced labour, human trafficking, abuse and violence in the context of commercial sex and the involvement of children in commercial sex acts;
2. Ensuring that legal protections pertaining to health, employment and discrimination are accessible to sex workers and are effective in protecting them from abuse and exploitation; and
3. Putting in place specific economic, social and cultural law and policy measures in order to address the intersectional discrimination, harmful gender stereotypes and denial of economic, social and cultural rights that may lead to entry into sex work, stigmatize sex workers and prevent exit for those who wish to stop selling sex.

**Image 8 – AI policy demands on states.**

AI calls out to all states for a change of all laws that criminalize prostitution and related actions (e.g. renting premises for sex work; soliciting, etc) because ultimately most existent criminalization and regulatory laws serve to harm sex workers by denying them access to support, protection and alternatives to exit the sex industry rather than assuring their security and welfare. Furthermore, they reinforce the stigmatization and discrimination already undertaken by prostitutes. Therefore AI demands decriminalization of all aspects of adult consensual sex work in order to eliminate all the empirically identified barriers that criminalization and regulatory regimes inflicted against the implementation of human rights (including rights to security of person, to housing and health) (Ibid.). AI recognizes that the criminalization of adult consensual sex work interferes with the realization of the human rights of sex workers and obliges them to live within harmful and dangerous environments. AI highlights that trafficking in human beings it is not the same as prostitution in the sense that the latter corresponds to adults of all genders who receive money or goods in exchange for the consensual providing of sexual services, with terms agreed between the seller and the buyer, regularly or occasionally (AI, 2016). Due to the lack of an international law based definition of consent AI states to apply consent as *“the voluntary and ongoing agreement to engage in a particular sexual activity. Consenting to sex or to sell sex does not mean consenting to violence and consent can be rescinded at any time”* (AI, 2016: p.5). Following this order, AI acknowledges and respects the voice, decisions and agency of prostitutes to engage, remain or leave sex work. AI proposes that: *“States have a broad obligation to take measures to challenge stereotypes that objectify women and should achieve this end through measures that do not infringe human rights. Rather than seeking to achieve this end through criminalizing sex work, states should utilize human rights consistent measures to challenge stereotypes, such as education and awareness measures”* (AI, 2016: p. 7). Furthermore AI wants to assure that policies which propose to address and improve the situation of marginalized groups clearly contribute to their empowerment rather than compromising their safety or criminalizing the contexts in which they live and work (Ibid.). The participation and voice of employed sex workers within policy-making decisions is paramount thus *“Amnesty International will take a*

*participatory approach to work in this area, ensuring that it consults sex workers as it seeks to help defend their rights” (AI, 2016: p. 8).*

### **Statistics on Prostitution**

To collect data concerning prostitution studies can be extremely difficult for several reasons: i) difficult access to participants; ii) difficult access to consistent data among different entities e.g. police, hospitals, courts, NGOs in the same state; iii) contrast of different legislative measures, different populations, different migration flows when comparing different countries (Kelly, Coy, & Davenport, 2011). Nevertheless, Kelly, Coy & Davenport (2011) conducted a study through nine countries – six of them European: Spain, Finland, Netherlands, Germany, Sweden and Ireland – encompassing all different legislative regimes being currently implemented to address prostitution. Their study entailed interviews with all parties involved in the sex industry relaying on both quantitative and qualitative data. While making a longitudinal comparative study they noticed that there have been changes within discourses, health concerns and concepts related to prostitutes (Kelly, Coy & Davenport, 2011). Nowadays there is less interference based on moralistic ideals and prejudices and a wider acceptance of the need to protect the rights and status of people selling sex. Sex workers health is becoming the focus of public health approaches rather than the health status of clients. Furthermore there is a general will to acknowledge the responsibility and agency of sex workers, despite the vulnerable and dangerous positions they stand in (Ibid.). However there are scientific, quantitative evidences that neither one of the currently implemented prostitution laws - be it in Europe or around the globe - prove to be effective in tackling all the issues derived from the practice of prostitution (Kelly, Coy & Davenport, 2011; Toni Mac 2016). Furthermore, the information and data collected on prostitution, which accounts as an essential element in the policy-making process and legislative, social and political decisions is weak, scarce, biased (e.g. by getting tangled with THB, or other prostitution related issues) or inexistent in most nations, whether they are categorized as ‘developed’ or ‘developing’ countries. There are forms of prostitution, e.g. street prostitution that are considered thoroughly toxic, dangerous and therefore signaled as totally inadequate and unsafe to be further encouraged (Kelly, Coy & Davenport, 2011). In general, violence is an element continuously present in the majority of prostitutes’

narratives irrespectively of the legal regime. It is recorded that 65-90% of prostituted women have been subjected to sexual abuse in the past (Schulze, Canto, Mason and Skalin, 2014). While different types of violence amid different legal regimes can be continuously observed, there are no evidences of improvement on levels of safety in any of the latter (Ibid.). Furthermore, there is still scarce social and legal support for workers, and high rates of social stigma attached to 'whores', which are both transversal to all the regimes, whether they aim at normalizing 'sex work' or completely penalize it (Ibid.). This is a reflection of the structural violence underlying prostitution practices that is embedded in our social structures and fuels several other types of violence and human rights abuses (ICRSE, 2014). Every year, many prostitutes report systematic abuse inflicted by different actors such as the police, clients, people posing as clients, third parties, co-workers, and intimate partners and family members (Ibid.). Regarding human rights abuses SWAN has issued a document, presented in Appendix 13, that thoroughly describes the major human rights violations sex workers report from across European countries. In this document the same reported abuses are compared with human rights stated by official and universal human rights treaties (Appendix 6) (SWAN, 2011). These are intrinsically linked with the issue of exploitation in prostitution. Current studies show that there are multiple forms of exploitation within the practice of prostitution (ICRSE, 2016). It is only a question of prioritizing which ones should be addressed first. Contradictory to the neo-abolitionist stance that all clients of sex work are exploiters, statistics made by sex workers reports and testimonies on exploitation identify unjust labour relations, conditions and settings as the main sources for exploitation, identifying state and governmental agents as compliant with exploiters and exploitative practices. Additionally sex sellers point out the relations between them and third-parties - whom are enmeshed in facilitating prostitution - as the main relational source for causing exploitation practices in their daily lives (Ibid.). Job insecurity inflicted by irregular or flexible labour arrangements and contracts makes prostitutes highly dependent on their parties in charge of the setting, place or controlling the area they work in. It is seldom that a sex worker finds protection through stable or permanent forms of employment. Both the rights and the duties of sex workers and third parties can be unclear, ambiguous and fluid. Besides, within this instability, the third parties often implement a set of

conditions and deposit responsibilities on sex workers that entail high levels of control and regulation over their work in order to increase their profit. Such conditions can result in unexpected workloads, sudden discontinuity of employment, unstable earnings, wage manipulations, etc. This instability allows an atmosphere where exploitation is bound to happen in the relation with third parties, as it accounts to increase prostitutes vulnerability and economic dependency on managers, agents and other employers. While deprived from social benefits and welfare safety, e.g. sick leave, parental leave, paid holiday leave, pension benefits or disability allowances, sex workers might feel compelled to work in precarious, vulnerable times such as when they are sick, tired, menstruating or pregnant or for being pressured by third parties. Despite all this constrictions and vulnerability, prostitutes can hardly relay on law enforcers to report any type of violence or abuse nor work-related problems (Ibid.). As long as legislative regimes drive or condition sex work into concealed settings, unfair and exploitative practices are bound to continue happening (Ibid.). SWAN conducted a study in 2007 across 12 countries in Central Eastern Europe and Central Asia and found that 41.7% of sex workers testified having experienced physical violence from the police, while 36.5% described having suffered sexual violence from the same perpetrator (SWAN, 2014). Tables with more detailed quantitative and qualitative data are presented in Appendix 16.

## **Comparative Analysis**

This chapter's aim is to filter what are the connections between all mentioned issues of prostitution and current debates and legal regimes happening and being implemented across Europe. I will also assess the level of cooperation and agreement between sex workers' organizations engaged in safeguarding the human, civil and labour rights of prostitutes with other organizations working to safeguard the implementation of human rights and gender equality within Europe. I start by answering the WPR's approach four elucidative question about this work's proposed problematics. This project aims to identify and explain the contrasts – including differences and similarities - among work being done to tackle the issues of prostitution by civil society organizations, specifically between these two groups 1) sex workers' rights NGOs and 2) human rights and women feminist organizations. Also, I aim at mirroring collective positions about gendered

oppression, class society and the violence that capitalist patriarchy inflicts on people's bodies and hearts, as well as the efficacy of various forms of resistance.

### **(1) What is the problem?**

There is hardly any empathy towards prostitutes as fellow human beings, and no interest in their lives and working motivations and conditions from who buys them, as it has been consistently proved by inquiries conducted with clients (O'Connell Davidson, 2002; Matthews, 2008). And why should non-prostitutes care if the laws, political and social mores stigmatize, devalue and ignore whores as well?

To be a prostitute implies becoming an object to the eyes, fantasy and touch of the client. Through her body the prostitute sells a hyper-sexualized female personification, the same one that can be found over-represented in our daily-lives, e.g. when it is used in advertisement to sell various products, ideas, to sell movies, books, clothes, beauty products, etc. This hyper-sexual part (upheld by cisgender identity tendencies) is forced upon and reinforced in women by a moral and societal double standard that sets values, rules and principles and defines women's sexuality as binary: Maternal figure vs. Slut<sup>24</sup>; Virgin Mary vs. Maria Magdalena; Princesses vs. Pornstars<sup>25</sup>. How women have experienced and expressed their sexuality and intimacy throughout history has had an influence in conceptualizing and building present women's identity, social roles, and sexual identities; and by association also those of men, or vice-versa. However, in the case of prostitutes, this binary conceptualization, besides shaping them psychologically, their intimacy, relational experiences and personal lives, it also contributes to an unfulfilled citizenship and lack of access to basic human rights. Reports show a limited or total inexistent access to welfare, equal treatment and protection from the law and state – even within regulatory legal regimes, e.g. The Netherlands. Nevertheless the stakeholders most responsible and influential in producing these binary social constructs have always been institutional forces or powers such as religion, economic institutions, policy-makers, academics and the media.

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<sup>24</sup> A woman who has many casual sexual partners. A woman with low standards of cleanliness. An immoral woman.

<sup>25</sup> Maguire, E. (2008). *Princesses and Pornstars: Sex, power, identity*. Text Publishing Company.

It was only in mid-eighteen century that the first social movement, as it exists conceptually known today, began in Europe. Regarding the prostitutes' rights movement, it only started nearly 40 years ago and was organized by sex workers and allies in order to bring awareness to and demand the ending of human rights abuses and violence harming prostitutes. Additionally it was meant to draw attention to the systematic neglect and abusive actions perpetrated by governments and other institutional agents whose work persistently denied or reduced the fulfillment of sex sellers' civil and human rights. The same institutions responsible for ensuring justice, safety and protection to its citizens became responsible for producing and supporting social exclusionary practices, legal regimes, knowledge, dogmas and ideologies about prostitution that still today, highly influence national states and EU policies. It has been through the action of civil society organizations, namely sex workers' rights NGOs that sex workers and allies have been heard and the issue brought to public light. It came to be considered within EU parliament debates as well as by different national states, which resulted in the several different legal regimes currently implemented in across Europe. These NGOs and activists' work is the key element in pushing forward the topic of prostitution in public and political debates, having it discussed through different and more progressive discourses. Sex workers' rights NGOs have been the main agents in conducting studies and collecting both qualitative and quantitative data among different sex workers' communities working across Europe. These organizations are composed of active prostitutes or ex-prostitutes and allies, who represent theirs and their professional peers demands. Despite their work and struggle, these NGOs composed by sex workers are not yet considered as the key actors to report and represent the voices of sex workers. Their contribution to generate strategies that tackle the issues derived from prostitution deeply contrasts with the contributions of other major civil society organizations, who identify as feminists fighting for gender equality and to eliminate violence against women – namely, with FEMM and EWL's work. These are two of the most influential civil society organizations in Europe and their positions are contradictory to what is demanded by sex workers' rights NGOs. Their policies renounce the voice of sex workers. There are no opportunities given to understand the multiple forms of abuse and exploitation reported by sex workers, nor their motivations to be workers in the sex industry and undertake all

this forms of violence. On the other hand, Amnesty International took a stand in 2015 and it is the first vastly acclaimed, transnationally influential NGO to endorse sex workers' rights NGOs' demands. AI and ICRSE – the first big sex workers' rights NGO – agree on the policies and resolutions to be adopted and taken by states in order to tackle the issues of prostitution (Appendix 7). Still they are in minority. According to the latest updates from EU and UN representatives based on the outcomes from plenary sessions and debates on prostitution, the Nordic model – the same very model that totally contradicts what sex workers' rights NGOs fight for (Appendixes 4 and 5) - is gaining transnational popularity. Despite FEMM and EWL claims in support of the Nordic model, their methodology differs in its range and goals. EWL promotes policy implementations based on a far more closed ideological knowledge base comparatively to FEMM. This is visible by analyzing the literary resources presented in their websites. Whereas EWL in its webpage titled “Resources on prostitution” represents all forms of prostitution as taken-for-granted criminal activity and all prostitutes as taken-for-granted forced victims of violence and abuses (see Appendix 17), FEMM webpage presents a study conducted with the purpose of clarifying the complexity entrenched in the practices of prostitution that clearly states the vulnerabilities of all the current legal regimes addressing it, thus demanding a revision of these legislations, and opening space to the need of rethinking prostitution (see Appendix 11). Nevertheless their latter documents of Opinion and Press release endorse the Nordic Model as the best strategy to follow (see Appendix 9 and 10). One of the most defining differences between these two organizations from group 2 and AI and all organizations from group 1 is that the latter's perceive prostitution as a product of structural violence, - perpetrated through our current social, economic and political mores - and point out to the responsibility states ought to have on protecting as well as understanding prostitutes, their motivations to engage in prostitution and to discern and tackle all the issues and forms of violence derived from prostitution. Whereas supporters of the Nordic Model demand states to blindly shut down prostitution without necessarily dealing directly with it, or studying it in its complex shapes and diversity. This pronounced contrast has proven to be a problem while it allows inequalities, violence and exploitation to perpetuate.

**(2) What presuppositions or assumptions underlie this representation of the problem? Identify binaries, key concepts and categories.**

So far we have seen that social structures are greatly built upon values, morals and principles, which produce and depend on gender constructs, which in turn forge gender identities, roles and too a representation of prostitutes as of their role in society. The prostitute has to embody and play the role of a feminine sexual object with an over-exploited, over sexualized, hyper-feminized body (e.g. visible on the emphasis of bodily sexual features like ‘adding silicon breast implants’, ‘using tight and revealing clothes’, ‘vaginoplasty’, etc) in order to get work and be of use to most clients. This comes from a binary contrast underlying the generation of mainstream sexual identities. It is not by chance that most prostitutes are women or identify as females (in the case of transgender people) thus taking most of the recorded violence; and that most clients are male and most identified as the offenders. This mirrors the sexual binary that serves many structural, institutionalized inequalities that privilege men over women, and are once more reproduced and embodied through the practice of prostitution. Simultaneously, the neo-abolitionist approach produces its discourse and interpretation of prostitution totally supported on these binary structures and ways of functioning. Yet, they claim their main aim is to find strategies combat the promotion of the same binary values, principles and structures within society. This is a paradox that narrows down the scope of action of neo-abolitionists. Prostitution is built upon a binary conception of sexuality vital to maintain our society’s heteronormative dogmas. It is further influenced by other structural social developments such as post-colonial sequels, domineering neo-liberal economic rules and demands, and globalization, which dynamics still rely on the works of imbalanced power relations. All of these intersectional social, political and legal dimensions play a key role in shaping and determining the settings in which prostitution thrives and will continue to unfold. Clients, mostly men, may find their male identity “reinforced” by following the heteronormative premise that engaging in casual sex with several female partners with no strings attached is something innately attached to manhood. These ever more liberal, ‘no strings attached’ patterns of experiencing sexuality and intimacy are becoming more normative, but they were always secured by the existence of prostitutes. Prostitution has always been regarded as the opposite of marriage and a possible threat to the traditional nuclear family thus being criminalized for many decades (Pheterson, 1990). However, the

prostitute was always the persecuted end, the clients were rarely punished or publicly judged for buying sex. This teases out the fact that men's sexuality was always lived freer of judgment, in a more relaxed, carefree, unpunished way than that of women. In fact, another important aspect is that men's sexuality can be seen, through the mainstream, institutionalized practice of prostitution as domineering that of women's, making a clear statement that women must succumb their bodies, their desire and their own pleasure in favor and for the usage of men<sup>26</sup>. This vision is backed by - or backs up - the 'whore stigma'. Relating this data to the work of EWL and FEMM, it can be said that this is the main argument – the total surrender of women and their sexuality to satisfy that of the male's - that leads neo-abolitionists to totally object to and reject the practice of prostitution. This means that they base their position on prostitution by adopting a 'whorephobic'<sup>27</sup>, stigmatizing representation of the practice of prostitution and of prostitutes. On the other hand, AI, ICRSE, SWAN, TAMPED and FSW statements, reports and testimonies confirm that this narrative of prostitution is neither pragmatic nor inclusive of the current contingencies of prostitution; there are several different settings, contexts and motivations that generate different types of prostitution and prostitutes, not all encompassing the same types of violence and forms of exploitation nor victimized and weak women in relation to men. These latter organizations are trying to open the windows of innovation, inclusion and critique thinking, and the doors of intersectional analysis and new conceptual framings of the house of re-education concerning the practice of prostitution.

Prostitutes and other sex workers 'beautify' their body to see it become the hyperbole of femininity; they become pictorial "women" in order to connect and fuel the male fantasy, and consequently are reduced to pornified, dehumanized and objectified commodities. This exploitation of female sexuality characteristic of 'the heteronormative prostitute' is

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<sup>26</sup> Some authors identify the same pattern of power dynamics within the traditional conception of nuclear family and/or marriage as it was conceived 50 years ago, when women "chose" – in absence of better options/opportunities - to surrender their bodily, reproductive and sexual services to a man they see themselves depending on financially (Pheterson, 1990).

<sup>27</sup> The adjective 'Whorephobic' derives from the noun 'Whorephobia' that can be defined as the fear or the hate of, oppression of, violence towards, and discrimination against sex workers; and by extension derision or disgust towards activities or attire related to sex work. Or in Thierry Schaffauser's definition: "Sex workers like me would argue that it also embraces paternalistic attitudes that deem us a public nuisance, spreaders of disease, offenders against decency or unskilled victims who don't know what is good for them and who need to be rescued." (The Guardian, 2010).

made of – and simultaneously makes - what every man is socially conditioned to find attractive and desirable: a typically cisgender female figure, as it is imposed within an heteronormative social paradigm that through the interactions with prostitution helps to build a cisgender male figure. This massification is the source of growth of the sex industry, and by association of other industries (cosmetic, beauty, esthetic businesses plastic-surgery) and it has to be challenged. It is so deeply institutionalized that it is impossible to eliminate its effects successfully all at once.

A prostitute's role, experiences and identity are negotiated and reproduced within intersecting structures of power. Exploitation is a key component embedded in the conceptualization of prostitution and a direct result of the interactions and power relations socially established among all the actors. While from a new-abolitionist perspective it is described through the action of commodifying one's body to satisfy the pleasure of other's; from a 'sex work' position it is explained through the need for research and destroy the hazardous work conditions people selling sex are subjected to that lead to a myriad of violence and exploitation. These are the defining standpoints or ideologies, concerning the violence and abuses experienced by prostitutes, produced within the feminist debates. Once more, now concerning the feminist conceptualization of prostitution a predominantly binary representation of prostitution and of prostitutes appears as domineering to feminist debates, approaches and limiting proposed solutions. The two popular leading feminist approaches and limiting proposed solutions are 'Neo-abolitionists' vs. 'Sex work position'. This same bi-dimensional understanding of prostitution delineates most political and academic efforts made towards solving its issues. Sex workers' rights movements urge government officials and all members of civil society to pay attention to the types of exploitation and neglect that are happening at the micro level and its impact. As neo-abolitionist theorists have pointed out, prostitution usually occurs within unequal gendered power relations that are imprinted in our society's structures (Outshoorn, 2005). Still it is pragmatically impossible to suddenly shutter such paradigmatic structures and thus eliminate the structural violence perpetrated against prostitutes – eradicate this violence at a macro-level – without firstly acknowledge and face it at the micro level. And here is where the neo-abolitionists' action measures fail, since they exclude the right of prostitutes to self-determination. It is

invalid to reduce all forms of sex work to ‘sexual exploitation’, to simplify prostitutes’ own motivations as unawareness or as inexistent, and explain sex workers as naïve victims who were all tricked into prostitution. By doing so, neo-abolitionists are complicit with the many forms of labour exploitation that prostitutes are subjected to on a daily basis (ICRSE, 2016). Neo-abolitionist assumptions are mostly based in ideological rather than pragmatic information and knowledge. On the one hand, it is true that prostitution is a source of high rates of human rights abuses; social exclusion; multiple forms of violence against women (structural violence, human trafficking, sexual exploitation and coercion; physical and psychological violence related to bad working conditions and a stigmatized social status, social exclusion, and discrimination, etc.); and responsible for producing and encouraging unequal power relations that privilege men over women, heterosexual over LGBTI people; rich over poor; first world women over third world women. Confronted and focusing on these grave imbalances, neo-abolitionists see no other options but to immediately shut down the whole sex industry and to eliminate prostitution. Radical neo-abolitionists see this straight, simplified, and short cut of an action as the only solution for such severe issues.

On the other side of the debate, sex work defenders do understand these imbalances as well, but propose different solutions. They understand abolitionism, prohibition and regulation as forms of neglect and exclusion of sex workers realistic circumstances and needs and therefore as another form of violence towards them. They argue that it is paramount to assist prostitutes in their current struggle and secure their safety. In order to do so, they stated, it is vital to decriminalize and accept prostitution as an old product of a gendered, capitalist, democratic society. They state that we should start to solve the issue by addressing micro level related problems and injustices, rather than focus on the violence and inequalities produced by macro-level structures and institutions. They call out for prostitutes’ voices to be heard and taken seriously, for strategies to reduce stigmatization and increase support and social inclusion. They call out for an inclusive, pragmatic and individualistic acknowledgement of the experiences and needs of all whores, rather than an ideological, generalist one that describes all prostitutes experiences and motivations as being the same. Besides, from a more idealized perspective they open the possibility to comprehend prostitution as another type of social

work that can improve the wellbeing of clients, which should account to improve prostitutes social and laborer status, accountability and respectability. Despite being utopic as well as ideological, these sex liberals are creating a new representation of prostitution that might be relevant, at least in some cases.

These are the two major positions influencing policy and decision-making processes at national and supranational level, and therefore defining the citizenship, access to justice and an overall life quality of people selling sex in Europe. A tendency towards the implementation of neo-abolitionist policies - translated by the 'Nordic-model' - can be identified within EU institutions and policy-makers. It is spreading across European states. Currently it is being implemented in Norway, Sweden, Iceland, Northern Ireland, and France while policy-makers are urging the United Kingdom to do the same. All the sex workers' rights NGOs (group 1) and AI are currently fighting against the spread of this neo-abolitionist policy tendency by emphasizing its limitations and the harms it brings to 'real life' sex workers, whereas EWL and FEMM of group 2 use a neo-abolitionist framework. Despite both agreeing on the use of the Nordic model, there are differences in how these 2 organizations approach it. The EWL plan of action is build upon a rather stanch neo-abolitionist approach and incapable of including information and testimonies issued by sex workers' rights NGOs. On the other hand, FEMM agrees upon the premise that the buyer should be criminalized and not the prostitute, yet it later reports a thorough, comprehensive study on prostitution, which affirms the need to collect adequate valid data in order to build a new approach, since it understands inefficiencies in all the already proposed legal regimes.

Meanwhile, AI is the only organization from group 2 that is in complete agreement with what is demanded by sex workers' rights NGOs (see Appendix 7). This statement came quite recently and it is a part of an interesting movement of activists that are aware, 17 years after the first time the Nordic model (Sweden) and the Regulatory regime (The Netherlands) were implemented, that neither of them are inclusive enough to protect and safeguard the citizen and human interests of prostitutes.

**(3) What effects are produced by this representation of the problem? Consider the following kinds of effects: how subjects are constituted within this representation, the limits imposed on what can be said and lived effects.**

High rates of violence against women continue to be trivial specifically within the sex industry. Be it physical or psychological violence, it remains a prevalent and transversal problem within all legal regimes currently implemented in Europe (Toni Mac 2016). The solutions proposed so far are discriminatory, based on stereotypes or ideological standpoints that prove to be harmful to most active sex workers (Appendixes 3, 4, 9 and 10). To prove it there is a myriad of NGOs reports, questionnaires, individual and personal testimonies in all media formats (see Appendixes 1, 2, 8, 11, 12, 13 and 16). Although it is important to highlight that due to being immersed in illegal contingencies and stigmatizing contexts a great deal of valuable research data about prostitution remains unknown.

Some types of violence are easier to manage than others, since they represent actions enacted at a micro level of society, which makes them easier to isolate, operate and thus solve. These violent acts range from rapes, beatings, threats, physical or emotional abuse, insults, extortions, deprivation of labour, human and health rights, poor working conditions and scarce access to justice, exploitation by third parties, and even death (ICRSE, 2016). However there are far less obvious types of violence. Prostitution 'demand and supply' system relies on 'structural violence' to support and manage its expansion. Unbalanced power dynamics established at a global level sustained by social, legal, educational and economic gaps are produced by a subtle, encrypted set of laws, rules and norms inscribed in the very social structures in which sex workers live and work. It becomes thus extremely difficult to surpass these rules and encrypted laws for any prostitute as long as these laws represent prostitutes as incapable victims, feeble-minded individuals or 'dirty', 'disgusting' or diseased people. So, these inequalities are not only elements underlying the origin of prostitution; in some cases they can also be a direct effect of being a prostitute. The inequalities that existed in the first place to lead people into prostitution are likely to be compounded with the practice of it.

Other effects relate to sex workers physical and psychological health. Whether the act of buying someone is enjoyed on a physical level through exaggeration of female/male sexual characters; or on a behavioral level through being willing, submissive and

agreeable to fulfill clients expectations, prostitutes have inevitably to become a true object in the hands of their clients. Indeed, there is something about surrendering one's body and giving up one's pleasure to please and satisfy another individual that is inherently exploitative and coercive. It irrevocably demands the prostitute to sever her Body from her Self, which ultimately might be damaging to her integrity (O'Connell Davidson, 2002). This type of procedure is bound to happen independently of prostitutes accessing total control over their work environment and conditions. This type of procedure will still happen even in the situation of total decriminalization, and social acceptance of sex work as a regular job. This type of procedure can be considered violent for most people, and has been shown to bring undesirable sequels, especially if prostitutes live socially and legally deprived from managing their autonomy concerning work conditions, deprived from fulfilling their human and civil rights and deprived from family, friends and co-workers support. The harms inherent to the practice of prostitution are compounded when they have to hide, work underground and cannot rely on law, health and social support. Therefore it is essential to open a space/discussion to think about the 'pleasure' of and felt by the sex worker/prostitute as well as promote it as an essential aspect in the sex trade industry.

In sum, neo-abolitionist organizations are more concerned and focused in building strategies to eliminate the structural violence while the sex workers NGOs focus on eliminating the pragmatic, concrete, palpable violence.

#### **(4) What is left unproblematic in this representation of the problem? Where are silences? How would 'responses' differ if the 'problem' were thought about or represented differently?**

The element that is found unproblematic in this representation of the problem is the lack of cooperation between civil societies organizations namely between sex workers rights NGOs represented in group 1 and human and women's rights organizations represented in group 2. This lack of acknowledgement of work and standpoints is translated by the silence or absence of communication among these civil society actors that ultimately translates into a silencing of the voices of those selling their body and being continuously exploited in several ways. In order to understand the power relations that shape the dynamics of sex work, it is essential to engage with the micro-level of sex politics

(Maher, Pickering and Gerard, 2013). Prostitutes should be identified as the main actors that hold the key to make significant structural changes happen within prostitution. By empowering them, it is possible to raise their access to more opportunities and security. Prostitutes have yet to be represented, as people that can hold stake and power over their life choices and opportunities, instead of remaining represented as powerless, mute victims just waiting to be saved.

This problem is also a question of citizenship and of body politics. There is a scarcity of literature on the politics of the prostituted body. The prostituted body, as seen before, it is still immersed by stigma and usually pejorative misrepresentations. In this sense it doesn't really belong to prostitutes, it is rather customized for them. All group 1 NGOs and allies have been persistent in raising awareness for the inaccuracy of this 'costume', stereotype or 'whore stigma'. Finally, can we hand back prostitutes their bodies? Would they want their bodies back? I mean, considering the way it is made up by current stereotypes and dogmas about people that have sex with many partners, especially if it is for money, maybe not. Would the prostitute want an impure, diseased highly stigmatized body? As for now, both representations of what is a prostitute and what is a prostituted body are built mostly defined by social constructs, dogmas and multiple intersecting structural inequalities that deprive prostitutes ownership over their own bodies. These 'whorephobic' body representations corrupt; impose and pollute the prostituted body with meanings linked to extremely negative connotations that by association contaminate the identity/concept of prostitute. This imposition of meanings creates a one-sided representation of prostitution, prostitutes and their bodies. Simultaneously, it steals people who sell sex the right to exercise control over their bodies, from owning their bodies and thus it may discourage them to worry, nurture and properly care about their body.

Assuming Body and Self are connected and co-operate the neglect or mistreatment of the body will unavoidably be harmful to the expression of the self in both private/intimate and public, social and political spheres of life. Prostitutes from several Eastern European countries report being victims of abuses perpetrated by the police (see Appendix 16). Even if there are no abuses coming directly from law enforcers and other responsible entities whose job entails protecting, supporting or caring (e.g. health care) for all

citizens, prostitutes rarely report acts of violence to the police or rely on the care and help of social support entities, as they are used to be mistreated or simply ignored by these agents. It is thus pertinent to ask: How are prostitutes being taken care of by the society that produced them and whom they serve ‘with body and soul’?

And if indeed they are performing a service, that like many others involves high rates of harmful practices, how is the impact of performing these acts being acknowledged dealt with and the harm minimized?

It is necessary to find strategies that elaborate on the intersection of prostitutes’ civil rights with their work rights, because indeed they have been and are likely to continue to perform services under an economic trade system. Services that should not be disregarded marginalized or misconstrued by moral judgments or radical ideological discourses.

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Further relevant points of discussion can be answered by asking: Why are most prostitutes subjected to different multiple forms of discrimination?

Would prostitution exist outside the capitalist realm, if people didn’t need to make a living? How would it be?

What does sexual consent mean in the context of an institution that is inherently exploitative and coercive like all labor under capitalism and patriarchy is?

How is the ratio of sexual-economic exchange in the lives of people who are not branded prostitutes? Does the category “prostitute” means anything other than a social status? Has this status any relevance to our current research paradigm?

## Conclusion

It abides concluding that despite the diversity of legal regimes, social movements, political debates and feminist activists ideological disputes within Europe, prostitution continues to represent an unresolved issue and a source of violence against women. The nature of exploitation in the sex industry is still poorly understood (ICRSE, 2015). While working in hidden, undercover settings prostitutes become far more exposed to experience violence. By not listening to the voices of women who came into prostitution, by their own will, we are excluding, neglecting and standing on the side of the abuser.

Researchers, social activists and politicians must acknowledge prostitutes' right to self-determination and give them the possibility to voice out their demands and concerns and get involved in the process of tackling the problems related to prostitution. Prostitutes should be represented as the agents that can make the most significant changes within prostitution. However there are disagreements among and between prostitutes and ex-prostitutes. These two distinct groups and their perspectives need to be further studied in their intragroup diversity in order to attain an unbiased representation of both groups' experiences and then identify differences, similarities and correlations. This data is essential to then possibly facilitate the building of social intervention strategies adapted and enacted by experienced professional prostitutes. In this utopia, ex-prostitutes could take the roles of social workers specialized in the sex industry field, and be the agents that empower active prostitutes, signal hazardous work environments, third parties and any type of abuse that is perceived as institutionalized.

Jill Nagle (1997) makes an analogy between prostitution and the martial art 'Aikido' as the latter requires the use of the attacker's energy in order to defeat them. She poses the idea that in some situations we can benefit from entering or getting along with something we want to eliminate in order to surpass it. In order to create an inclusive and effective strategy to accommodate all the aspects that need to change within prostitution it is fundamental to analyze and study sex workers working conditions, employment practices and all the dynamics within the sexual transaction, which include operating the roles of prostitutes, clients and third parties involved in management and security. By gradually being brought from the private to the public sphere it can be properly discussed, addressed and then we can re-educate ourselves into a deeper understanding of how our intimacy is privately and socially shaped and perhaps find new meanings and build new strategies towards a more progressive and inclusive society, where there will be no human rights' abuses associated with sex work.

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