prostitution & trafficking
the market of sex

According to Equality Now, 20.9 million adults and children are bought and sold worldwide into commercial sexual servitude, forced labour and bonded labour. Women and girls make up 98% of victims of trafficking for sexual exploitation.
pimps and traffickers'. How women can be treated like a ‘product’ – bought by ‘customers’, sold by ‘sleeves’ often leaving them vulnerable and exposed. The barcode indicates a biological urge. It also shows that women ‘wear their hearts on their sleeves’. A woman’s hand holding a heart emphasizes her feelings for love, not just control.
This edition of the International Women's News is dedicated to Prostitution and Trafficking. While trafficking is difficult to identify and consistently under reported, it is a pervasive crime that transcends international borders and occurs not only between countries but within countries, cities and neighbourhoods. It is one of the fastest growing criminal enterprises worldwide and makes up one of the largest sources of income for organized crime.

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

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

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

The analysis of two major approaches to prostitution are presented - the Nordic model and the Legalization one – together with arguments supporting each, their impact on trafficking and the legal status of prostitution.

The IAW Membership is divided over these two approaches.

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

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

Demand is created by men who pay for commercial sex. Traffickers, pimps, brothel owners and other facilitators profit from this demand. Sex trafficking does not exist because its victims are vulnerable; it exists because there is a demand for commercial sex that traffickers can exploit and profit from. Criminalization of prostitution in Nordic countries has resulted in the shrinking of the prostitution market and the decline of human trafficking inflows. An argument against the Nordic model is that it drives prostitution underground and thus criminality and the trafficking of women and drugs are under much less scrutiny by the police because women are hidden.

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

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

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

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

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

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

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

EDITORIAL

The Elusive Woman Secretary-General

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

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

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

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

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

António Manuel de Oliveira Guterres, GCL GCE

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

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A Feminist Agenda for the new UN Secretary-General

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

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

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

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

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

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

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

New York Declaration for Refugees and Migrants

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

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

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

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

DEVELOPING FEMINIST POLITICS ON PROSTITUTION

by Agnete Strøm

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

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

In 1864 in England Contagious Diseases Acts were passed. To Josephine Butler, the Contagious Diseases Acts formalized and legalized the sexual enslavement of women. The Acts were designed to protect the health of military men by subjecting any woman the special Morals Police identified as a prostitute to a “surgical examination”. “Surgical examination” involved the use of crude instruments by often-cruel doctors for vaginal examinations. If the woman refused she would get 6 months prison and hard labour.

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

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

CD Acts transformed the casual prostitution of working-class women into a specially identified exploitable class. Thus the prostituted women were isolated from general lower-class life and separated from their neighbourhoods into distinct red-light districts and brothels. This made identification of the prostituted women more specific and in effect “industrialized” and therefore made their ability to leave prostitution much more difficult.

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

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

• Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (UN 1949). The Convention states, “prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community.”

• Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, (UN 1979).CEDAW obligates State Parties “to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of traffic in women”.

• Palermo-protocol, (UN 2000), calls for “legislative or other measures […] to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” Here we are approaching the important and crucial role of the buyer of women who creates the

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

• Implement a comprehensive refugee response, based on a new framework that sets out the responsibility of Member States, civil society partners and the UN system, whenever there is a large movement of refugees or a protracted refugee situation.

• Find new homes for all refugees identified by UNHCR as needing resettlement; and expand the opportunities for refugees to relocate to other countries through, for example, labour mobility or education schemes.

• Strengthen the global governance of migration by bringing the International Organization for Migration into the UN system.

• Achieve a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees by adopting a global compact on refugees in 2018.

• Start negotiations leading to an international conference and the adoption of a global compact for safe, orderly and regular migration in 2018. The agreement to move toward this comprehensive framework is a momentous one. It means that migration, like other areas of international relations, will be guided by a set of common principles and approaches.

• Develop guidelines on the treatment of migrants in vulnerable situations. These guidelines will be particularly important for the increasing number of unaccompanied children on the move.

• Achieve a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees by adopting a global compact on refugees in 2018.

Comments: Volker Türk, UNHCR Assistant High Commissioner for Protection

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

Alexander Betts, an expert on refugees and forced migration at Oxford University, called Monday’s UN summit “a milestone with limitations.” He was pleased to see so much attention focused on the issue but disappointed by the weaknesses inherent in the formal negotiations. He described the discussions leading up to the summit as “a disaster” in which “nothing meaningful has been agreed.”
The Nordic Model (1999 Sweden, 2009 Norway, Iceland) is the law that criminalizes the buying of sex. The law recognizes prostitution as violence against women whether the women are trafficked or not and criminalizes the buyers/the johns. This legislation is now being implemented in several other countries such as Canada, Northern Ireland, Ireland and France. Survivors of prostitution all over the world are promoting the Nordic Model, and their NGO, SPACE International, brings the survivor leadership into the campaign for destruction of the sexist double standard of morality and brings truth and data about the harms of prostitution.

But several UN offices are now under attack from the pro-prostitution lobby. Let us take a look at UN Women and UNAIDS. An inroad of the sexist double standard of morality and brings truth and data about the harms of prostitution. Wherever the selling of sex is criminalized, wherever prostituted women and men are criminalized, that law has to go, has to be repealed. What we will demand is criminalizing the buying of sex, criminalizing pimps, johns, brothels. Wherever the selling of sex is criminalized, wherever prostituted women and men are criminalized, that law has to go, has to be repealed. What we will demand is criminalizing the buying of sex, criminalizing pimps, johns, brothels.

The concept of victimization, one creates a distance from the victims and the naturalisation of prostitution. The concept of trade unions for sex workers is the second key concept. The first and most known ‘trade union’ was Coyote (Call Off Your Old Tired Ethics). It was founded as early as 1973, financed by Playboy and Cosmopolitan. This concept was mainly used by women with a feminist and left-wing political stance, but at the same time the rhetoric also appeals to the right-wingers. In particular, there is the use of three key concepts that are central to the arguments made both nationally and internationally. These are the concepts of The Victims, The Trade Unions, and The Sex Worker (see also Ekman, K. 2010).

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

The fight against prostitution - the Abolitionists movement - has been part of the women’s liberation movement’s struggle since the 1980s. Prostitution has been seen as part of the widespread expression of the oppression of women. The new one-sided criminalization of the customers has had greater effects in some areas than even the one-sided criminalization of the customers has had before.

The current public debate can hardly be recognized in the traditional debates. One important new characteristic of some arguments should be described. Some of the defenders of prostitution are consciously using specific rhetorical configurations and terminology that resemble with feminism and left-wingers, but at the same time the rhetoric also appeals to the right-wingers.

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

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

The law has reduced the market for prostitution in Norway
There are no national estimates of the size of the prostitution market after 2010. There is also large uncertainty with regard to previous market estimates and other estimates of the market today, especially with regard to indoors prostitution where one person may have more than one unique advertisement online. Despite these data limitations, there is a clear declining trend in the market after the law was implemented. The market was at its lowest immediately after the introduction of the law and later stabilized at a lower level than before 2009. The most profound changes are found in the Oslo street prostitution market. Here, systematic field observations show that the size of the market today has stabilized at a level of 40-65 percent of the market prior to the law. One possible source of error in this data material is the timing of observations (i.e. when, during the day/night, the observations have been made and whether this timing varies over the years in the timeframe). However, the market shows the same tendencies also when this bias is controlled.

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

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

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

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

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

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

The working conditions of men and women in prostitution: The law that criminalizes buying sex strengthens the rights of the seller in the sense that the buyer can be reported to the police. This has given the seller a tool for managing “bad” customers as well as leading to more careful customers and possible prevention of violence. Still, women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced. On the indoors market, sex workers express concerns about outside calls; they prefer to have customers visiting them at their own apartment or own hotel room. The threshold for reporting a violent customer to the police also seems to be higher after the introduction of the law. People in the sex industry are afraid that such action may affect them at later stages. Even so, this analysis finds no clear evidence of more violence against women in the street market after the introduction of the law. It is the customer that engages in illegal action and thus has the most to fear if reported to the police by a sex worker. The police have no indications of more violence following the ban on purchasing sexual services.
Introduction
In 1999 the Netherlands was one of the first countries to legalize prostitution: it lifted the ban on brothels, recognizing prostitution as sex work and delegating the regulation of the sex industry to local authority (Outshoorn 2004a). Forced prostitution – including human trafficking - remained a criminal offence. People working in the sex industry were to become entitled to the social rights usually accruing to workers. Only EU citizens could work legally as prostitutes; those from outside the EU were not to receive work permits and thus become undocumented workers without rights and protection once their temporary visa expired. The new Act took effect in 2000.

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

II The road to reform
a. The long road to legalization
In the 19th century the Netherlands had a system of regulation of prostitution which allowed for brothels. Following a long abolitionist campaign of feminists and Protestants, this regulation was repealed by the Morality Laws of 1911, which also criminalized concentration of prostitution activities in certain areas and condoned ‘private houses’. This was in line with the time-honored pragmatic approach of Dutch authorities to morally controversial issues in the absence of a moral consensus (Outshoorn 2004b). As long as public order was not threatened, authorities turned a blind eye to what was going on. Until the 1960s the Morality Laws were unchallenged. Secularization and modernization then led to the breakdown of the system of Verzuiling (pillarization) that had organized Dutch society vertically along the cleavages of religion and class. The religious political parties lost their parliamentary majority in 1967. The Morality Laws were no longer ‘the law of the land’. The government, by removing the proposed distinction between voluntary and forced prostitution from the draft bill (HTK, 1996-1997: 266), proposed to lift the ban on brothels in order to regulate prostitution.

The demand for reform was strengthened by the strengthening of the feminist lobby and their traditional discourse had considerable impact. The political opportunities for the reformers improved hugely when the CDA was ousted from power in 1994 (the first time that religious parties were not a member of the ruling coalition since 1918). The Liberal Party, the Social Democratic Party and the Social Liberals formed the cabinet Kok I, the so-called Purple Cabinet. It drafted a new bill to lift the ban on brothels (HTK, 1996-1997: 254-37, Opheffing Algemeen Bordeelverbod, nr. 15-1, juli 1997). Parliament passed it in 1999; it came into effect in 2000 (Staatsblad 1999). Voting split neatly along the religious/secular divide. The sex work discourse was not hegemonic: the Christian parties (with 26% of the seats in the second chamber) stuck to their abolitionist position and their traditional discourse had considerable support from the religious media and church-based organizations. However, in a poll in 1997 showed that 74% of the Dutch population regarded prostitution as work and that 73% were in favour of lifting the ban on brothels (Brants 1998: 628).

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

The secular parties, however, drawing on the discourse of self-determination, adopted the distinction between voluntary and forced prostitution and embraced the pro-sex work position. Consequently there could be no cabinet consensus on the issue. When higher penalties for traffickers and more precise definitions of the offence were enacted in 1993, the CDA managed to torpedo the abolishment of the brothel ban by removing the proposed distinction between forced and voluntary prostitution from the draft bill (Outshoorn 2004a: 186). Groups such as the Red Thread (Rode Draad) (1991: ‘originating as a trade union of sex workers, and the Foundation Against Trafficking of Women (Stichting tegen Vrouwenhandel – STV) that aided victims of trafficking, were the prime movers of the feminist lobby.

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

III Legal changes
a. The new prostitution act
The basic tenet of the new act was the distinction between voluntary and forced prostitution. Its aims were to control and regulate the ban on brothels as well as protecting minors from sexual abuse (for which the age of consent, normally 16, was raised to 18 years), and
Democrats in parliament linked trafficking to illegal poverty. In the course of the 1990s, the Christian prostitutes from the 'Third World' were driven by this framing was tied into a discourse about the period, foreign women were portrayed as victims defined as forcing a person into prostitution. In the parliamentary debates on trafficking around that time, they also argued that all women from non-EU countries working in the sex industry were victims of forced prostitution. Therefore in their view, the best remedy to stop trafficking was to prevent non-EU women from working in the Dutch sex industry in the first place. This reasoning eradicated the figure of a woman migrant deciding to work as a sex worker in the West and who might make use of intermediaries to enter the country - with her consent. But then she was 'illegal' and ought to be deported. Successive cabinets continued to refuse work permits on similar grounds, also arguing there was no national interest at stake which normally justifies extending work permits to non-EU persons. They were backed by a recurring majority in parliament fearing subversion of immigration policies. The refusal to grant work permits was also generally justified by the aim of stopping the trafficking of women; permits would encourage traffickers to transport women into the country.

c. Categories of sex workers

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

The number of sex workers has always been open to debate: Vanwesenbeeck (1994) estimated that there were about 20,000 to 25,000 in the Netherlands and in parliamentary debates of the 1990s the figure of 30,000 circulated. For 2009 there was an estimated number of 5150 to 7600 sex workers in Amsterdam (Van Wijk et al 2010: 9), but these are no recent reliable figures for the whole country.

IV The outcomes of the legalization

a. Early reports

The debate about the effects of the new act started almost straightaway, given the necessity of working out the details of the implementation. A first evaluation was already conducted in 2001-2002. The researchers of the Centre for Scientific Research and Documentation (WODC) of the Ministry of Justice found that local councils ‘froze’ the number of brothels in their precincts, not allowing new competitors to the market (Daaldal 2002). Some orthodox protestant councils refused to license any sex business. Many prostitutes had little idea of their rights or duties and attempts to reach them were inadequate. The licensing system was not yet in place in all municipalities, leading to the displacement of criminalized prostitution such as undergar and undocumented prostitutes to tardy municipalities. Fieldwork in the non-licensed sector noted instances of human trafficking and coercion, but the most frequent infringement of the law was the prostitute without a work permit, required by law for non-EU citizens (Goderie et al 2002; Daaldal 2002: 41). Daaldal also reported a shift to non-regulated types of sex work, such as sauna’s, (camper) cars, and bars (idem 44). Although the reports pay attention to countries of origin of the prostitutes, all reports are “color blind”.

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

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

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

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

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

b. The public debate

Although the WODC evaluations were amply reported in the press, public indignation was first roused by several popular publications in the mid-2000s, which cast doubts on the official findings. First of all, a Social Democrat member of the Amsterdam City council, Karina Schaanapen came out as an ex-prostitute by publishing a book about her past (Schaanapen, 2004). She argued that most prostitutes do not choose to go into prostitution, but are instead forced into this type of work because of drug addiction, debts or a past of (sexual) abuse. With her colleague Amma Asante, she published a policy report for her party (Asante and Schaanapen 2005) that denied that prostitution had become a ‘normal’ industry ensuring sex workers’ bodily integrity.

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

c. The second evaluation

A second evaluation by the WODC was published in 2007 and concluded that some of the aims of the 2000 enactment have not been met and that, thereby, there is still much amiss (Dekker et al 2006; Biesma et al 2006). The rights of sex workers had not improved; forced prostitution and pimping once more as traffickers and pimps were still in the sex industry. At the same time, however, some of the reports on which the conclusions were based showed that the situation of sex workers had improved (Dekker et al 2006; Biesma et al 2006). The rights of sex workers had not improved; forced prostitution and pimping once more as traffickers and pimps were still in the sex industry.

To analyze this question, the researchers examined the entire process from the first signals of trafficking to the question of whether trafficking had become more difficult by improved law enforcement. Prostitutes had not become independent workers, although the disappearance of under-age prostitutes and undocumented workers in the licensed part of the sex industry. At the same time, however, some of the reports on which the conclusions were based showed that the situation of sex workers had improved (Dekker et al 2006; Biesma et al 2006).

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Another important change was the non-licensed sector, consisting of a variety of illegal or non-licensed practices where sex work was still occurring and many prostitutes were ‘illegal’ or minors. The women working here were taken to be mainly ‘foreign’, coming from Eastern Europe and West Africa, who had taken the place of Latin American or Thai and Philippine women of earlier decades.

POLICY CHANGE IN PROSTITUTION IN THE NETHERLANDS

The recurrent publicity about the persistence of trafficking of women and the ‘loverboy’ panic led to a renewed framing of sex workers as young girls as victims of abuse and trafficking as organized crime involving organized crime, Afghan and Eastern European women, in its coalition pact (Regeerakkoord 2007: 35). Notably was that the majority career in crime; the vulnerable white young girls are

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went along with the victim discourse by stating that ‘thousands’ of women were a victim of coercion into prostitution. In the words of the Liberal Minister work independently. Finally, the bill proposed extra clarify the difference between self-employment and trafficking. The registration of prostitutes, with residents to work in the sex industry was opposed use the services of non-documented workers, they registration of prostitutes. Licensing is also to apply keeping the option of a local ban open) and the uniform regulation across all communities (but

The raising of the age of consent for sex workers to 21 years, licensing of escort services, and the registration of the local regulation was generally supported. The social rights of sex workers were only discussed at the last stage of the debates, during which the cabinet promised to take away the ‘‘secrecy rights’’. It also allowed to extend exit programs for prostitution in favor of the purposes of the bill among the parliamentary parties, none of which contested the dominant framing. The major bone of contention during the debates was the registration of the sex workers which aimed at preventing forced prostitution by establishing a contact between local authority and sex worker to check whether she was doing the work out of free will. But the registration is also about control; in the words of the Minister for Justice, ‘Compulsory registration increases the visibility and the grip on the sex sector and retrieves prostitutes from anonymity’ (idem, 51-8-59). All the secular parties objected to registration on the grounds of the right to privacy. Clients have to ask for the registration pass of their sex worker, otherwise they are also liable to prosecution. After opposition that the pass would disclose the sex worker’s real identity to the client, the Minister retracted the pass, but not the registration (TK, 2010-2011, 32211, nr 36, Derde Nota van Wijziging, 10 februari 2011). This left open the question a client is then supposed to check whether the sex worker was registered or not; an issue which was hotly debated at the same time. The raising of the age of consent for sex work to 21 years, licensing of escort services, and the registration of the local regulation was generally supported. The social rights of sex workers were only discussed at the last stage of the debates, during which the cabinet promised to take away the ‘‘secrecy rights’’. 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secular parties. For the rights of sex workers the legal changes do not augur well. The pending new act does ignore entirely the lack of social rights, and the stigma of sex work remains intact, so that many sex workers prefer to remain anonymous.

The proposed registration of prostitutes and the new age barrier to work are new infringements of their civic and social rights. The right to work is 16 years in the Netherlands; and although there is no legal base for registration of sex workers, the major cities are registering sex workers at the Chamber of Commerce. This registration is a real danger to their right to privacy; undocumented workers remain open to blackmail because of their illegal status.

The new legislation will make it harder for them to find work, as the client will run a risk using their services. The cabinet will not extend humanitarian asylum status to trafficked women or grant work permits to non-EU prostitutes. The categories of sex workers created in 2000 will therefore stay intact, although the occupants of the categories have different nationalities and ethnicities than in the 1990s, a consequence of the enlargement of the EU. It has to be concluded that the state, by its slack implementation of the 2000 act and lack of attention to social rights in the pending act, is responsible for creating the bad working conditions, intimidation and blackmail itself.

List of references


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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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