

# Prostitution legislation and human trafficking

This month's newsletter focuses on prostitution legislation and human trafficking.

In the last decade a few European countries have reformed their laws on prostitution. These reforms were initiated for various reasons and with differing outcomes, some of which are still being investigated while others have come under heavy criticism.

In the case of the UK, the laws in question were old and outdated, and therefore needed to be adjusted to the changed societal circumstances. Since 2000, the UK Home Office, which is responsible for this issue, has continuously sought to improve the situation for both people working in the business, as well as communities and citizens suffering from its effects in every-day life.

The motive behind Sweden's law reform had been to work toward the abolition of prostitution and to better protect the sex worker. The sex worker law that was subsequently introduced in 1999 defined the customer of sexual services as the offender of the law, whereas the sex worker was seen as the victim. Whether it was effective in terms of the well-being of the workers to clearly define their customers as law offenders has now come under heavy criticism. Many argued that prostitution in Sweden now takes place less openly and therefore is less controllable, which may make it even more dangerous for sex workers, since they are forced to work in a "legal vacuum." Additionally, it becomes very difficult for police and the state to control prostitution and to persecute law offenders under these conditions.

The approaches taken by Germany and New Zealand were geared toward a better state control of prostitution by regulating it. Additionally, they legalized this business to a certain extent in order for the sex workers to benefit from normal working conditions, including health care and pensions.

In Switzerland prostitution is tolerated, although there is no law accepting it as a regular profession. Legislation remains varied due to the state's federalism. While the canton of Waadt was the first canton to comprehensively regulate prostitution with a new law in 2004, federal criminal law states that it is still no offence if customers use the services of sex workers as soon as they have reached the comparatively early age of 16 years.

A large part of prostitutes are usually illegal immigrants. They may have been victims of human trafficking and as such they are usually treated as slaves. Traditionally, politicians have been reluctant to speak or take action on behalf of sex workers. They do not constitute an important constituency and usually they are located at the edge of society, in the vicinity or right in the middle of illegality. This again makes it difficult for them to organize politically and ask for better social standing.

The nexus between prostitution and illegal immigration, however, with women from poor countries trying to find work in wealthier nations, made it a pressing transnational societal problem for governments to respond to.

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ISN Editor

## **1.1 INTERGOVERNMENTAL ORGANIZATIONS**

Special Representative on Combating Trafficking in Human Beings, by OSCE

The Special Representative on Combating Trafficking in Human Beings supports the development and implementation of anti-trafficking policies in OSCE participating states. This website provides information on the Special Representative's activities, as well as country assessments, reports and documents.

### **1.1.1 United Nations**

Trafficking in Human Beings, by the UN Office on Drugs and Crime, Vienna, Austria

This website provides information, reports and documents on human trafficking, as well as information on how the UN Office on Drugs and Crime engages in combating human trafficking by strengthening the criminal justice response to trafficking through legislative reform, awareness-raising and training, as well as through national and international cooperation. The support and protection of victims who give evidence is thereby seen as key to prosecuting the ringleaders behind the phenomenon.

Trafficking in Persons: Global Patterns

This report was published by the United Nations Office on Drugs and Crime in April 2006. The authors state that policies to fight human trafficking must be based on an understanding of its depth, breadth and scope. This report provides this information, thus helping to better coordinate international and national efforts.

Appendices to the Trafficking in Persons: Global Patterns report

### **1.1.2 European Union**

National Legislation on Prostitution and the Trafficking in Women and Children

This report was published by the European Parliament in 2005. The study presented in this report highlighted the impact that prostitution-related policies have on the number of women and children trafficked and on the manners of their exploitation, ie, to underline the correlations between the legislation typologies/models on prostitution in force in the EU member states and the differences found in the number of women and children who have been trafficked and in the ways of their exploitation.

EU Action Against Trafficking in Human Beings and the Sexual Exploitation of Children, by the European Commission

This website provides information, documents and reports on the European Commission's expert's group on trafficking in human beings and its activities.

### EU Legislation Being Adopted Against Trafficking in Human Beings and the Sexual Exploitation of Children

This website by the European Commission provides legal and political background to the commission's actions against trafficking in human beings.

### Daphne II Programme to Combat Violence Against Children, Young People and Women, by the European Commission

Daphne II is a funding program supporting organizations that develop measures and actions to prevent or to combat all types of violence against children, young people and women and to protect the victims and at-risk groups. This website provides information on the program, as well as reports and publications.

## **1.2 GOVERNMENT**

### Trafficking in Persons Report

The US Department of State is required by law to submit each year a formal report to Congress on the efforts of foreign governments to eliminate severe forms of human trafficking. The 2005 report is the fifth such annual report. The report is intended to raise global awareness and spur foreign governments to take effective actions to counter all forms of human trafficking and modern day slavery.

Auswertung: Zwangsprostitution und Menschenhandel anlässlich der WM 2006 und Empfehlungen für öffentliche Präventionskampagnen vor und während der UEFA EURO 2008 TM in der Schweiz  
This report was published by the Swiss Coordination Unit against the Trafficking of Persons and Smuggling of Migrants in 2007. The report, which is only available in English gives recommendations on how to deal with the foreseeable forced prostitution and human trafficking before and during the European Soccer Championship in 2008 in Switzerland . Only in German.

### **1.2.3 United Kingdom**

#### Setting the Boundaries: Reforming the Law on Sex Offences

This report was published by the UK Home Office in July 2000. It presents a review of the law on sex offences. This document subsequently led to an overhaul and clarification of the law in the Sexual Offences Act 2003.

#### Sexual Offences Act 2003

The Sexual Offences Act 2003 received Royal Assent in November 2003 and came into force on 1 May 2004. It makes many changes to the current law, much of which dates back to the Sexual Offences Act 1956. The Act is split into two parts. The first is devoted to sexual offences, widening the scope of existing ones and creating new offences to enable action to be taken against those who use and abuse adults and children through prostitution and pornography. The second covers offenders with an emphasis on the protection of vulnerable individuals.

### Tackling Street Prostitution: Towards An Holistic Approach

This report was published by the UK Home Office Research, Development and Statistics Directorate in July 2004. It presents the findings and recommendations from the Crime and Disorder associated with Prostitution Initiative, which was part of the work conducted under the umbrella of the Crime Reduction Programme (CRP). The CRP was an evidence-based initiative, which aimed to find out which approaches were effective in tackling crime. The Crime and Disorder associated with Prostitution Initiative provided seed funding to multi-agency pilot projects to address streetbased prostitution. The projects were evaluated by their main intervention type and placed into three groups: policing and enforcement, protecting young people and providing support to exit. The findings presented in this report provide an insight into which approaches are promising to tackle street prostitution. This report has informed the Paying the Price: a consultation paper on prostitution, which outlines the UK government's proposals for reviewing the legislative framework around prostitution.

### Paying the Price: A Consultation Paper on Prostitution

This paper was published by the UK Home Office in July 2004. The next stage of reform after the reform of the sex offences law in 2003 was to look at the wider issues associated with prostitution, such as organised criminality, trafficking and drug misuse, and sexually and drug transmitted infections. This paper provides a strategy focusing on three key issues: prevention, protection and support, justice.

### A Coordinated Prostitution Strategy: And A Summary of Responses to Paying the Price

This report was published by the UK Home Office in January 2006. This report provides a summary of the responses received to the public consultation paper "Paying the Price" and sets out the UK government's proposals for an anti-prostitution strategy. The strategy will focus on disrupting sex markets by preventing individuals, particularly children and young people, from being drawn into prostitution; by providing protection and routes out for those already involved; by protecting communities from the nuisance associated with prostitution; and by ensuring that those who control, coerce or abuse those in prostitution are brought to justice.

## **1.2.4 New Zealand**

### Protecting Our Innocence: New Zealand's National Plan of Action Against the Commercial Sexual Exploitation of Children

This plan of action was published by New Zealand 's Ministry of Justice in February 2002. This report provides an examination of commercial sexual exploitation of children in New Zealand. It outlines the measures that government and non-government organizations are implementing to prevent and respond to child exploitation through prostitution, pornography and trafficking. It also details further activities, which were identified during the development of the Plan of Action, that need to be implemented as New Zealand works toward the goal of eliminating the exploitation and abuse of children. The report puts emphasis on the fact that New Zealand must closely cooperate with its neighbors in the Pacific and Asia, as the sexual exploitation of children is a global problem.

### Prostitution Reform Act 2003

This website provides New Zealand's Prostitution Reform Act, which was passed by parliament in

June 2003. Among other things, this act decriminalizes prostitution in New Zealand, and introduces provisions to protect the health and safety of sex workers and their clients. The act prohibits anyone under 18 years old working as a prostitute.

#### The Nature and Extent of the Sex Industry in New Zealand: An Estimation

This report was published in April 2005 by New Zealand's Ministry of Justice. The report was written by the Prostitution Law Review Committee. It provides baseline information on the sex industry prior to the passage of the Prostitution Reform Act 2003. It will assist the Committee evaluate the extent to which the Prostitution Reform Act 2003 is meeting its purpose.

### 1.2.5 Germany

#### Gesetz zur Regelung der Rechtsverhältnisse der Prostituierten

This website provides the text of the German Law on Prostitution, which came into force in 2002 and for the first time made prostitution legal in Germany. The aim was to thereby amend the social and juridical conditions of the lives of prostitutes. Only in German.

#### Begründung zum Prostitutionsgesetz

This website provides the explanatory text by the German parliament for the reform of the prostitution law passed in 2001. Only in German.

#### Bericht der Bundesregierung zu den Auswirkungen des Gesetzes zur Regelung der Rechtsverhältnisse der Prostituierten

This report was published by the German Ministry of Family, Seniors, Women and Youth in January 2007. It provides the report by the federal government on the consequences of the Prostitution Law 2001. Only in German.

#### Reglementierung von Prostitution: Ziele und Probleme - eine kritische Betrachtung des Prostitutionsgesetzes

This report was published by the German Ministry of Family, Seniors, Women and Youth in January 2007. This independent research report examines ethical-juridical and theoretical-juridical questions in relation to the Prostitution Law 2001. Only in German.

#### Vertiefung spezifischer Fragestellungen zu den Auswirkungen des Prostitutionsgesetzes

This report was published by the German Ministry of Family, Seniors, Women and Youth in January 2007. This independent research report provides in-depth analysis of how prostitutes can find a different way of earning money, as well as on crime reduction in relation to the Prostitution Law 2001.

#### Untersuchung "Auswirkungen des Prostitutionsgesetzes": Abschlussbericht

This website by the German Ministry of Family, Seniors, Women and Youth provides various information and reports on the consequences and results of the Prostitution Law 2001.

### 1.3 NON-GOVERNMENTAL ORGANIZATIONS

Child Centre for Children at Risk in the Baltic Sea Region, Stockholm, Sweden

The Child Centre's aim is to raise the level of knowledge and to coordinate the activities targeting children at risk in the Baltic Sea Region. The five areas prioritized in the cooperation are: child sexual abuse and exploitation, street children, institutionalized children, young perpetrators of crimes and child trafficking and unaccompanied children. The Child Centre is a part of the Children's Unit within the secretariat of the Council of the Baltic Sea States that includes Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden . This website provides information on the center's activities, as well as downloadable reports on the various issues.

European Network Male Prostitution (ENMP), Amsterdam, The Netherlands

In 1997 the European Network Male Prostitution (ENMP) was launched, supported by the European Commission and the Dutch Aids Fund. The network consisted of agencies in 25 different countries, all engaged in the field of male sex work. The ENMP developed and improved health and social services for male sex workers. Due to a new public health program the network did not receive any further funding since 2003. In May 2005 the European Network Social Inclusion and Health Correlation was launched with financial support of the European Commission. Most of the network contacts of the former ENMP joined Correlation and parts of the former working plan could be adopted, although the approach within Correlation is broader.

Human Trafficking.org

Human Trafficking.org uses its website to bring government and NGOs in the East Asia and Pacific together to cooperate and learn from each other's experiences in their efforts to combat human trafficking. This website has country-specific information such as national laws and action plans and contact information on useful governmental agencies. It also has a description of NGO activities in different countries and their contact information.

Coalition Against Trafficking in Women (CATW), Amherst, US

CATW promotes women's human rights by working internationally to combat sexual exploitation in all its forms. CATW focuses on human trafficking, especially sex trafficking of women and girls. CATW has regional networks in Asia, Latin America, Europe, Africa and Australia . This website provides information on CATW, as well as downloadable reports.

Combating Human Trafficking in Asia, by the Asia Foundation, San Francisco, US

The Asia Foundation conducts programs at a regional level in Asia and supports policymakers, counter-trafficking practitioners and vulnerable communities to plan and execute local, national, bilateral and regional initiatives to combat human trafficking in 11 source, transit and destination countries throughout Asia including Cambodia, East Timor, Indonesia, Laos, the Philippines, Thailand, Vietnam, Bangladesh, Nepal, Japan and Mongolia. This website provides information on the Asia Foundation's activities in connection with human trafficking, as well as downloadable reports.

Laws, by Prostitution Research and Education Website

This website provides articles and reports on various prostitution laws, as well as texts of these laws. The purpose of the Prostitution Research and Education Website is to abolish prostitution altogether, while at the same time advocating for alternatives to prostitution.

Comité contre l'esclavage moderne (CCEM), Paris, France

The CCEM assists victims of slavery in juridical, social and administrative procedures in order to free them from servitude. This website provides information on CCEM, as well as downloadable reports. This website is only available in French.

Child Sex Tourism Prevention Project, by World Vision, Federal Way, US

As part of World Vision's commitment to protecting children, it works in cooperation with US national governments, law enforcement agencies and other organizations to combat child sex tourism through the Child Sex Tourism Prevention Project. Through this project, World Vision is actively engaged in Cambodia, Thailand, Costa Rica and the US and will soon expand the project to Mexico and Brazil. With backing from the US Department of State and the US Department of Health and Human Services, World Vision is tackling the problem with a three-pronged strategy: deterrent messages, law enforcement assistance and prevention programs.

Sex Work and Sexual Exploitation in the European Union

This site provides references to sex work in Europe. It gives a brief description of the de jure and de facto situations in each of the 15 EU member states, and drawing primarily on web resources, it guides the user through the essential debates. The website authors argue that in the control of sex work lies an answer to Europe's sexual exploitation problem.

Coalition to Abolish Slavery and Trafficking (CAST), Los Angeles, US

CAST assist persons trafficked for the purpose of forced labor and slavery-like practices and works toward ending all instances of such human rights violations. CAST's programs include social services, legal services, and training and advocacy. CAST cooperates with law enforcement and government agencies to ensure criminal prosecution of traffickers and to provide training and outreach to key personnel in the field. This website provides information on CAST's activities.

Prostitute's Education Network PENet

The Prostitutes' Education Network is an information service about legislative and cultural issues as they effect prostitutes and other sex workers. The service is comprised of information for sex workers and activists or educators who study issues of decriminalization, human rights in the context of prostitution, violence against prostitutes and women, sex workers and pornography, as well as current trends in legislation and social policy in the US and internationally .

## **1.4 RESEARCH AND ACADEMIA**

Trafficking for Prostitution in Italy

This article was published in the October 2004 issue of the journal "Violence Against Women." It gives an overview of the problem of trafficking for prostitution in Italy and notes different trafficking dynamics according to countries of origin of the victims. It examines changes in

trafficking patterns, various activities carried out by the Italian government and nongovernmental organizations (NGOs) to assist victims, the Italian legal framework used to combat trafficking, and the recent government proposal to legalize brothels. In conclusion, the article suggests strategies to combat prostitution and trafficking. The main emphasis is on the trafficking of Nigerian women and girls to Italy.

#### Migration, Human Smuggling and Trafficking from Nigeria to Europe

This report was published by the International Organization for Migration in 2006. It gives an overview of the concepts and relations between the ideas of immigration, human smuggling and trafficking. The author explains why and how Nigerians leave their country in order to work in Europe. The report explores the connections between immigration and prostitution and trafficking and prostitution and describes the dynamics of trafficking.

#### Invisible Routes: An Exploratory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan Region

This paper was published by the Austrian Federal Ministry of Defence's National Defence Academy and Bureau for Security Policy in August 2006. It explores whether the IOM Counter Trafficking Module (CTM) database corresponds to the findings of the Raviv and Andreani 2004 report. It assesses the value of the sampling of the IOM CTM database concerning the changes and trends in routes of trafficking in persons in the Balkan region. The study argues that the declining numbers in IOM referrals is related to a decrease in visibility of trafficking rather than a decrease in numbers.

#### The US Approach to Combating Trafficking in Women: Prosecuting Military Customers

This paper was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It discusses changes to the US "Manual for Courts Martial" with respect to prostitution. Whereas previous guidelines targeted suppliers rather than customers as part of an anti-trafficking effort, recent changes call for the criminalization of the patronage of a prostitute. The author discusses whether the US model could be transferred to other countries and concludes that before doing so, the respective countries should consider the peculiar legal environment in which the US proposal was developed.

#### Trafficking in Persons in South East Europe - a Threat to Human Security

This report was published by the Austrian Federal Ministry of Defence's National Defence Academy and Bureau for Security Policy in September 2006. It examines human security approaches to trafficking in general, and in the particular context of trafficking in persons to and from Southeast Europe (SEE). It explores the regional dimensions of human trafficking and smuggling, in particular, the social, economic and cultural roots of human trafficking and smuggling and their broad political consequences. The featured articles also discuss such issues as policy, practice and human security threats posed by trafficking in persons; human rights of trafficking victims, especially in destination countries that may include the right to temporary residence permits, assistance and law enforcement aspects, such as investigative techniques, witness protection mechanisms and cross-border collaboration.

#### Combating Human Trafficking in the Context of European Security-Interdisciplinary and Crosssectoral Anti-trafficking Policies in South East Europe

This article was published by the Austrian Federal Ministry of Defence's National Defence



Academy and Bureau for Security Policy in September 2006. It examines efforts to combat human trafficking in the context of European security. It looks at different types of organized crime networks and the trafficking processes including the interdisciplinary and cross-sectional anti-trafficking policies in Southeast Europe. The author also discusses the forms of exploitation and different types of victims.

**Trafficking of Human Beings within the Context of Turkey 's Accession Process to the EU**  
This paper was published by the Austrian Federal Ministry of Defence's National Defence Academy and Bureau for Security Policy in September 2006. It examines the trafficking of human beings within the context of Turkey 's accession process to the EU. First, it considers a link between irregular and illegal migration, human smuggling and organized crime in a more comprehensive framework. Further, the study discusses policy implementation in combating human trafficking and, finally, it assesses transformation of Turkey's political and legal system with the adoption of the EU *acquis communautaire*.

#### **Human Trafficking and Turkey**

This paper was published by the Austrian Federal Ministry of Defence's National Defence Academy and Bureau for Security Policy in September 2006. It analyzes the problems of human trafficking in Turkey. It examines government policies in this respect, especially the ratification of international agreements for combating trafficking in human beings, the training of law enforcement officers, judges and prosecutors, as well as the requirements for operating shelters for victims and providing for their psychological and health support. Furthermore, the author looks at the regional and transnational collaborations and cooperation of various sectors.

#### **Turkey's Efforts to Fight Human Trafficking in the Black Sea Region**

This paper was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It provides information on Turkey 's innovative regional approach to the problem of human trafficking. Turkey is the only major human trafficking destination to offer a telephone helpline for victims as a potential avenue for escape. The authors conclude that these efforts to reach out to potential victims of human trafficking have proven to be immensely successful, underscoring the value of a regional approach to reducing the risks of irregular migration.

#### **Human Trafficking in South Eastern Europe**

This paper was published by the PfP Consortium of Defense Academies and Security Studies Institutes in December 2005. It identifies and examines the most common causes of human trafficking in Southeastern Europe. The author explains that contributing factors include the transition to a free market economy, the opening of national borders after the Cold War, the existence of a developed black market, and the wars in former Yugoslavia. The paper offers a list of factors that have contributed to the increase in human trafficking in the region since 1990. The author argues that Southeastern Europe, with the help of the international community, should do more to combat human trafficking as a modern form of slavery, as it represents a threat not only to the security of the countries in the region, but also to the continental security of Europe.

#### **Transitional Responses to Human Trafficking in the Balkans**

This paper was published by the Graduate Program in International Affairs (GPIA) in May 2006. It

examines human trafficking policy in the Balkans. The paper outlines different approaches to the development of anti-trafficking policy, such as migration laws, law enforcement, human rights advocacy and economic development. The author describes the activities of different transnational actors and examines the intended and unintended consequences of their anti-trafficking policies.

#### Fighting Human Trafficking in Bavaria

This paper was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It discusses human trafficking prevention in the German state of Bavaria. The author provides information on measures taken by the Bavarian and German authorities to fight trafficking crimes and offer protection to victims.

#### Human Trafficking: Breaking the Military Link

This article was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It addresses the role of military personnel in creating a demand for trafficked women. Both the US Army and UN peacekeeping forces have been the subject of controversy over the relationship between trafficked women and their military personnel. The author examines how the US, NATO and the UN have reacted to this issue, and concludes that their actions are at least a step in the right direction.

#### Human Trafficking and Smuggling: the Process, the Actors and the Victim Profile

This paper was published by the Austrian Federal Ministry of Defence's National Defence Academy and Bureau for Security Policy in September 2006. It examines the irregular migration to and through Turkey where Istanbul is a key zone. In particular, the study looks at refugees, human smuggling and trafficking, and the illegal migration of labor. In doing so, the paper takes account of the global distribution of the demand for labor, and the impact of informal globalization in shaping the undocumented and illegal labor market.

#### Trafficking in Humans: The Slavery of Our Age

This essay was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It examines the issue of human trafficking by describing its scope and analyzing the growing danger of the global phenomenon. Particular attention is given to the victims of global trafficking, as well as to the risks they face during their recruitment, transport and engagement for their "employers." The difficulties of identifying and prosecuting those responsible for the enslavement of women, children and men are also discussed, as is the range of actors and tools employed in combating the practice of human trafficking.

#### Trafficking Trends, Formal Law Enforcement Cooperation, and Future Perspectives

This essay was published by the PfP Consortium of Defense Academies and Security Studies Institutes in November 2005. It examines the effectiveness of formal law enforcement cooperation and its possible relation to current conditions and trends in human trafficking, in particular with regard to the formal exchange of operational and evidentiary information. The authors conclude that effective action against human trafficking requires that national and international countermeasures be combined. They also call for the development of adequate cooperation and investigative mechanisms across national borders and argue that the law enforcement response in both the countries of origin and the countries of destination reflect the severity of the crime involved.

## Globalization and Non-Traditional Security Issues: A Study of Human and Drug Trafficking in East Asia

This paper was published by the Institute of Defence and Strategic Studies (IDSS) in March 2004. It focuses on the necessity of transnational cooperation in order to reach state and human security in the context of globalization. The first section of the paper defines the notions of globalization and transnational crime and discusses how organized criminal groups extend their transnational activities aided by the forces of globalization. The following two sections apply this discussion to East Asia. The author concludes that deeper law enforcement and judiciary cooperation is required at a multilateral level to address some of the darker sides of globalization.