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TAMPEP VIII
Newsletter 1
May 2008

TAMPEP
European Network on HIV/STI Prevention
and Health Promotion among Migrant Sex
Workers

Austria, Belgium, Bulgaria, Czech Republic,
Denmark, Estonia, Finland, France, Germany,
Greece, Hungary, Italy, Latvia, Lithuania,
Luxemburg, Netherlands, Norway, Poland,
Portugal, Romania, Slovakia, Slovenia, Spain,
Switzerland, United Kingdom.

With the Financial Support of the European
Commission DG SANCO under the programme
Health and Consumer Protection.
Directorate C –
Public Health and
Risk Assessment

TAMPEP is a network of community-based service providers and sex workers' organisations operating in 25 European countries

The main objective of TAMPEP is to reduce the HIV vulnerability of migrant and mobile sex workers through the development, exchange, promotion and implementation of appropriate policies and interventions across Europe, and specifically:

1. To consolidate and further develop targeted HIV/STI prevention measures, health promotion interventions for migrant and mobile sex workers in Europe.
2. To examine and analyse the situation of prostitution in Europe based on mapping of the prostitution scene and legal framework on migration, sex work and HIV policies and the identification risk factors and levels of vulnerability that determine the barriers to access to prevention measures and care.
3. To facilitate the sharing of knowledge, experience, and good practices among service providers and community-based organisations on pan-European level.
4. To consolidate and enhance the network of 25 countries in Europe by strengthening their capacity for effective interventions within a sub-regional and cross border cooperation model.
5. To promote human rights and equality in public health policies and accessibility for migrant and mobile sex workers, by developing and promoting a holistic strategy underpinned by the principles of respect and inclusion of sex workers.

EXPECTED RESULTS

- A pan-European response to legal, health and social care needs of (migrant and mobile) sex workers in a framework of cooperation between 26 partners and the implementation of targeted prevention initiatives; development of good practices and adaptable strategies in an uniform approach towards transnational prostitution in Europe.
- Strengthening the capacities of service providers and community based organisations for effective interventions and strategies for HIV/STI prevention among sex workers and their clients; ensuring synergy of various sex workers projects in Europe, international agencies and related health and human rights networks.
- Comprehensive and updated assessment of the prostitution scene through gathered qualitative and quantitative data within the network of 25 countries, a network which has the role of a European Expertise Centre within the newly enlarged Europe.
- Comprehensive and updated assessment of legal framework regarding migration, sex work, including the impact of the criminalisation of clients, and HIV/STIs on national and European levels, focusing on legislation and policy that impacts either positively or negatively on sex workers ability to access information and services, thereby affecting vulnerability to HIV and other health inequalities.
- Exchange of experiences and skills within the network and beyond through the production of a *European Good Practice Manual* with examples of comprehensive intervention strategies adaptable to various settings and countries.
- Strengthening referral routes to health and social care services for migrant and mobile sex workers through the development of a new Internet resource: a website with a directory of health and social care services across 25 European countries accessible to migrant sex workers and information for various stakeholders.
- Exchange of skills and experience in relation to cross border prostitution, mainly within the new borders of the enlarged EU, at bi-lateral, regional and European level, thereby enhancing the capacity of health and social care service providers to respond to the needs of sex workers in this particular environment.



The analysis of the information is done in three steps

On national level

The National Coordinators of the 25 countries will be responsible for the analysis of the situation of sex workers and the sex industry in their countries, considering any changes since 2005 regarding laws on migration, prostitution and trafficking in human beings, the public health system and the access to it, the general migration flow, violence, the use of drugs, etc. This analysis will be done with data collated mainly among NGOs and Health Care Services in each country.

On regional level

The four Regional Coordinators will be responsible for the analysis of the situation of sex workers and the sex industry from a regional and cross-border perspective, considering their specific geographical and border situation, migration flow, and the comparison of the laws on migration, and the sex industry in their countries, considering any changes since 2005 regarding laws on migration, prostitution and trafficking in human beings, the public health system and the access to it, and their consequences for sex workers and health prevention.

On European level

The European Coordinator will be responsible for the analysis of the situation of sex workers and the sex industry from a pan-European perspective, considering the different national and regional situations, and comparing the positive and/or negative results regarding changes and new developments.

The three main areas of activity

The methodology is based on three main areas that are developed through local, national and regional activities, guided by the same principles and framework but which is flexible enough to be adapted to the various realities within Europe, which includes different social, political, economical, legal and public health structures.

Mapping

In order to enhance HIV prevention for and with (migrant and mobile) sex workers in Europe it is necessary to

examine the changes in the situation of prostitution in Europe, the legal and policy frameworks and their effects on the vulnerabilities of migrant sex workers. TAMPEP has been developing various strategies and instruments in this field in order to accomplish this through an analytical process that has enabled us to become an active and wide-spread "*observational body*," that can report on the trends within the prostitution and monitor the situation of (migrant and mobile) sex workers in Europe on national and cross-border levels

Interventions

Based on the acquired knowledge of the present situation of sex work in Europe, TAMPEP develops holistic interventions strategies, in the areas of health promotion, HIV/STI prevention, legal and social framework, and human rights protection. The services active in this field are empowered in their efforts to carry out special services for (migrant and mobile) sex workers, are supported while developing multi-sector activities and strengthened while identifying priorities for policy, strategies and intervention techniques.

The methods for prevention activities, targeted for various prostitution settings and different national groups of sex workers (about 85 different nationalities), are recognised as a replicable model of intervention and are perceived as an example of good practice.

The activities are carried out through:

- a direct intervention methodology by way of outreach with and for (migrant and mobile) sex workers;
- the involvement of cultural mediators and peer educators;
- the development and dissemination of information material;
- the production of tool kits, good practices guidelines, and advocacy.

Advocacy

From a human right's perspective, the focus of TAMPEP Network is to advocate for the reduction of the vulnerability of migrant sex workers through lobbying for better working conditions, better and easier access to health and social care services and legal information, and promoting their human, labour and migration right.

Target groups of the TAMPEP partners

- Female, male and transgender (migrant) sex workers
- Sex workers' clients
- People from Roma communities
- Men having sex with men
- Migrant women
- Trafficked women
- Youth

Services provided and advocacy activities

Through their work with national and migrant sex workers, their circle of acquaintances and their customers, the **TAMPEP Network** offers a variety of services. The counseling on legal and health issues and the prevention of HIV/STI are common activities among all partners, while the majority also offers outreach, and many of them offer medical screening. The wide range of services provided through the Network reflect the complex character and needs of prostitution and shares common principles around prostitution, public health and human rights.

For sex workers

- **Medical screening** (STI and HIV), PEP, gynaecological care and psychological support.
- **HIV/AIDS/STI** prevention
- **Epidemiological** surveillance, data evaluation, documentation, information
- **Health promotion** activities in order to decrease health risks of women, men and transgender persons working in sex-business regardless of their nationality, ethnic origin, age, sexual orientation, religion or social background
- **Outreach work** in various prostitution settings directed (including internet and chat room contacts) towards a broad group of sex workers including migrants and ethnic minorities
- **Setting up** and using referral network of various social and health care services
- **Self esteem** & empowerment building activities.
- **Counselling** on safer sex as well as on economical, legal, social and personal matters
- **Promoting** of and advocating for the human rights of sex workers
- **Drop in centres** with multifaceted services
- **Social assistance**
- **Vocational trainings**, development of labour skills, language courses
- **Police liaison** to support sex workers, tackling violence, exploitation and abuse
- **Hotline**, telephone support for sex workers
- **Support** for women engaged in criminal justice system and support for (migrant) sex workers after release from the prison

For clients

- **HIV/STI prevention** and counselling for clients
- **Collecting** and distributing allegations about potentially dangerous clients.
- **Hotline**, telephone support for clients

General awareness & Capacity building

- **General awareness** on discrimination & violence against women, sex workers and migrants
- **National** and international (media) campaigns
- **Creation**, publication and dissemination of guidelines, research, manuals, books, studies

For IDUs

- **Harm reduction activities** & social rehabilitation
- **Social assistance**, drug related advice
- **Development** of social skills

For victims of trafficking

- Support for trafficked persons, running shelters
- Assistance in repatriation & returning programme

For decision makers

- Make the knowledge available for decision makers and the staff at local councils

National and international networking

- Cooperation and development of bi- and multilateral exchange



The TAMPEP VIII Programme has 8 Work Packages

WP 1 | Coordination of the project

The Coordination will be done through transnational activities in order to consolidate and strengthen the TAMPEP network, and monitor the project's development in order to ensure outcomes which provide a European added value.

WP 2 | Dissemination of the results

The aim is to disseminate good practices guidelines, on local, national, European, and international level, through reports, newsletters, a manual, and the TAMPEP website. As well as through consultations, technical and policy advice for international agencies and national authorities, articles, and interviews.

WP 3 | Evaluation of the project

The evaluation, which will include a detailed work plan and guidelines, will monitor and evaluate the whole project. The indicators, both qualitative and quantitative, will examine the process and the methodology, the results and products, the outcomes and the impact of the activities.

WP 4 | The prostitution mapping

- To carry out 25 national mappings, resulting in one European overview.
- To collect qualitative and quantitative data regarding national and migrant sex workers' population, nationalities, demographical data, forms of prostitution, mobility trends, living, working and health conditions, risk behaviour and vulnerability.
- To observe and compare changes and trends among the four European regions, especially with respect to the new EU borders.

Vienna, March 2008

Advocacy campaign done by the TAMPEP members during the first General Meeting of TAMPEP 8.

WP 5 | Juridical and policy assessment

A review and analysis of the legal conditions in Europe based on national assessments by the member organisations. The effects of the relevant policy measures will be monitored on the national level. Each partner organisation will collect data on their national policies and laws regarding:

- migration
- sex work
- health (the rights and barriers to access services)

WP 6 | The manual Work Safe in Sex Work

Considering the long fieldwork experience of all partner organisations, the Manual for Capacity Building will be developed to design Good Practice examples in four areas:

- Outreach work
- Peer education
- Campaigns for clients
- Advocacy campaigns



WP 7 | www.services4sexworkers.eu

The aim is to create an online directory of services for sex workers. The services chosen will be only those with proven good practices towards sex workers.

WP 8 | Regional Exchange and Cross Border Prostitution

The 25 partner countries will be divided in four European regions: North, South, East and West. Each group will be guided by a Regional Coordinator. All partners will collect information about conditions of sex workers located in cross border areas. Four critical cross border areas will be analysed and a needs assessment undertaken

Sex Work in Europe today

AUSTRIA

■ LEFÖ | Information, Education and Support for Migrant Women is a non-profit feminist migrant women's organisation, founded in 1985 BY migrant women FOR migrant women.



The Legal Framework

Sex Work - Since the EU enlargement, registration as sex workers is possible also for citizens of "new" EU countries. More women from Hungary, Slovakia, Poland and the Czech Republic, as well as from Romania and Bulgaria use this to "legalise" their status as sex workers and in reaction to more and stricter police controls. EU citizens who are working in prostitution without the necessary registration do no longer face deportation. They are now charged up to EUR 1.000 for administrative offence(s).

Migration - With 01.01.2006, a new immigration legislation came into effect that brought dramatic aggravations for non-EU Migrants (working in prostitution): A new visa C+D (travel and short-term stay visa, \$24 immigration police law) is regulating the sex workers' stay and work in the country. This short-term visa is granted under specific conditions for 3-6 months. The visa application has to be made in the country of origin. The maximum duration of the visa is 6 months within a total of 12 months. This means that it is not possible to work for a continuous period of time.

The new regulations worsen the situation of (non-EU) migrant sex workers. The women themselves have no possibility to consolidate their stay/residence in the country or to continuously work and ensure their existence. They are forced to constant mobility and into greater dependence. Their weaker legal status makes them more exploitable and does not give them any recognition of their work.

Also, the existence of (non-EU) migrant sex workers who have been working and living in Austria for years with the (old) visa for "self-employed without residency" is being ignored. They are being illegalised. Women from e.g. the Ukraine and the Dominican Republic (and other Latin American countries) disappeared into other – less visible – areas of prostitution, into underground networks or moved to other areas/regions.

The general changes of the new immigration legislation (immigration and citizenship laws) bring even more restrictions for migrants in general, e.g. regarding marriage with an Austrian citizen, consolidation of stay etc. Migrant sex workers are also affected by these constrictive measures.

Trafficking - Since May 2005, the concept of the UN-Protocol ("Palermo-Protocol") is implemented in the Austrian national legislation (penal code § 104a). This means that trafficking is no longer reduced to trafficking into prostitution but includes all areas of exploitation. Since March 2007, the National Action Plan regarding anti-trafficking measures is in force. It was developed by the Task Force against trafficking. This working group consists of representatives of each Ministry and LEFÖ and compiles a national overview of the situation, presents recommendations towards the EU-convention against trafficking and prepares the National Action Plan against Trafficking.

The Prostitution Scene

- LEFÖ estimates approximately 60 to 80% migrant sex workers in Austria.
- Estimated total of sex workers in Austria: 24.000
- Estimated total of sex workers in Vienna: 5 to 7.000

Estimated distribution/work area

- Indoor prostitution: 75%
- Outdoor prostitution: 25%

Origin of Migrant Sex Workers

- South + CEE: 63%
- Africa: 28%
- Latin America: 6%
- Others: 2%
- Asia: 1%

(Percentages refer to statistics 2007)

BELGIUM

■ Espace P works in four different towns. It fights for the rights of sex workers, works for sex workers and their relatives, and offers free medical help.

The Legal Framework

Sex Work - Belgium has an abolitionist attitude concerning prostitution.

Prostitution is tolerated but soliciting is forbidden. Pimps are prosecuted. Employing prostitutes is considered as pimping. It is also forbidden to advertise for sex work(ers).

Sex workers pay taxes. Their activity is considered as an independent job but they have no specific rights.

Each town has the right to manage some aspects of the prostitution in order to

minimize public nuisance. There is no federal harmonization on this subject.

Trafficking - Since 1995 there is a law to protect the victims of human trafficking. This law protects only the victims who denounce their network; if the inquiry succeeds thanks to the help of the victim, the victim can receive help to stay in our country or to go back to hers.

Espace P noticed that the obligation to denounce their networks is a brake for the victims of international sexual exploitation to ask for justice because of reprisals in the country of origin. Another brake for the victim is to ask for justice if they are obliged to quit prostitution to benefit from the protection law.

The Prostitution Scene

In Belgium sex workers work on the streets, in bars, in the red light district windows, in private clubs and apartments, in Champagne bar clubs, and through the Internet.

Espace P estimates that there are 10.000 to 15.000 sex workers in Belgium. In the visible prostitution in Brussels about 80% are migrants.

Belgian sex workers and those from the bordering countries work mainly in private clubs and apartments. In the Walloon Region 35% of the sex workers are migrant people. The great majority of the European migrants come from Rumania, Russia, Poland and Bulgaria.

Non-Europeans come mainly from Sub-Saharan Africa, Ecuador, and Dominican Republic.

BULGARIA

■ HESED | Health and Social Development Foundation carries out health promotion activities and stimulates social development of underprivileged groups, including sex workers.

The Legal Framework

Sex Work - Individual prostitution is neither criminalised, nor legalised.

Pimping, organising and offering venues for prostitution are criminalised. There was a case in Bulgaria which caused great scandal. A man who was associated with a big chain of trafficking in women for the purpose of prostitution was convicted for pimping. He should be punished by imprisonment for 12 years but was released after 4,5 years. Some members of Parliament passed a special correction in article 155. This change ensures a minimum sentence for pimps who cannot prove that he/she compelled women to prostitute by means of drugs. That alteration was repealed after the final judgment of this man.

Minor and forced prostitution is criminalised. There is a separate line in the tax law, regulating "companionship" with a patent tax. An additional article from the *Law for Public Order* has been employed in fining sex workers for "gaining money in an immoral way".

Currently there is a public discussion about the issues related to the legalization of sex work. The tension and dimness about the new law caused many problems for sex workers and for our work.

Trafficking - The 9th section of the Penal Code of the Republic of Bulgaria concerns "*Trafficking in Human Beings*", punishable by up to ten years imprisonment and a fine of 15,000 BG Leva (about € 7.700).

Migration - The *Asylum and Migration Law* stipulates the conditions and regulations for granting special protection to foreigners on the territory of the Republic of Bulgaria as well as their rights and obligations. The special protection that Bulgaria grants to foreigners within this law includes asylum, refugee status, humanitarian status and temporary protection. Foreigners seeking or granted protection in Bulgaria receive the rights and obligations according to this law and bear civil, administrative and penal responsibility according to the conditions and regulations applicable to Bulgarian citizens. Asylum is the protection that Bulgaria grants to foreigners persecuted for their beliefs or activities for protection of internationally recognised rights and freedoms.

The Prostitution Scene

Sex work in Bulgaria is still controlled by criminal organisations. Whether a sex worker has a pimp or not, she must pay the "owner" of the place in order to work there.

There are 4 main types of prostitution:

- Street/motel
- Hotel
- Clubs/apartments
- Escort services

Street based sex workers are the ones who have most limited access to health and social services and recently could be noticed a tendency to hide the outdoor sex workers, caused by very active work of the Ministry of Interior.

Sex workers who use drugs are less accessible due to the criminalization of drug users.

Violence is a common feature in the sex work business.

Numbers: over 3000 sex workers were reached by the network outreach organisations in Bulgaria between September 2006 and December 2007. Approximately 8000 to 10 000 people are involved in prostitution in Bulgaria. The data is based on the evaluation of organization in 7 regions in the country but still there is no official

information about the number of sex workers in Bulgaria.

Nationalities – predominantly Bulgarian (90%) which includes some ethnic minority as Roma people, Romas from Turkey; the rest 10% are transient sex workers including migrants from Russia, Ukraine, Turkey, Romania, ex-Soviet countries.

Regarding internal migration, about 20% have already worked in another town in Bulgaria, in bigger cities, in border towns and in tourist resorts at the Black Sea.

Approximately 80% of the Bulgarian sex workers have worked in a foreign country as well, in average for a period of 3 months. Main destination countries are Germany, Spain, Norway, the Netherlands, Italy and France. The number of sex workers coming back to Bulgaria after working sometime in Western Europe is growing and a great number do not plan to go back for settling down.

Migrant sex workers work mainly in apartments.

CZECH REPUBLIC

■ **BLISS WITHOUT RISK** aim is to decrease public and health risks of women working in prostitution regardless of their nationality, ethnic origin, age, sexual orientation, religion or social background.

The Legal Framework

A new addition to Constitution valid since 8th of March 2007 allows expelling sex workers behind the border of municipality.

A draft of the law aspiring to regulate prostitution is being worked on. The last version was completed in the end of 2007.

It lacks any regulations focused on the customers of sex workers. A new law about social services valid from 1st of January 2007 completely changed fundraising and ways of developing projects.

Every NGO must be registered as a provider of social services and develop its own Standards of social services (our document has 160 pages and it is still not complete).

The Prostitution Scene

The demand for sexual services declined, customers are moving eastwards.

The number of sex clubs is decreasing and the number of sex workers in indoor premises is growing, as well as the creation of big brothels with up to 150 women.

There are only few sex workers on the streets (around 5%), as sex work is moving to private apartments.

The estimated number of sex workers in the Czech Republic is about 12 thousand.

The number of migrant sex workers is relatively stable - about 40%. The main group of migrant sex workers come from Slovakia and Ukraine. The majority work only in sex clubs.

DENMARK

■ **Competence Centre on Prostitution** supports men and women in prostitution by bridge building activities between the different social health and care agents in Denmark.

The Legal Framework

Sex Work - In Denmark prostitution is "decriminalized" and not "legalized". This means that the individual women or man in prostitution cannot be punished for prostituting themselves unless the person violates other parts of the Danish legislation. All incomes from prostitution are taxed. On the other hand prostitution is not considered a legal trade or occupation, as women in prostitution cannot be admitted in an unemployment fund nor can they receive sickness benefit.

Migration - A non-EU resident may obtain a residence and work permit for a specific period of time, if the person has an offer for a specific job in Denmark for which she has special qualifications. Non-EU migrants cannot obtain a work permit specifically to work as a prostitute; therefore it is not possible for non-EU migrants to work legally in prostitution in Denmark.

EU nationals do not need a work permit or a residence permit.

But migrants cannot start working legally in prostitution in Denmark, as prostitution, in legal terms, is neither considered to be work nor to be a trade. Prostitutes who have acquired Danish nationality may engage in prostitution without risk of deportation.

Trafficking - Concerning *trafficking in persons* the reflection period has been expelled from 15 days to 100 days stay in Denmark. The impact of this change is not yet known but the intention is that trafficked persons in more cases will testify against their traffickers and that there will be more time to prepare the return of the person and to improve the reintegration in their home countries.

Moreover the Government did take an initiative in changing a part of the Aliens Act which has a positive impact on trafficked persons staying illegally in Denmark with fake identification papers. Until now these persons have been considered as criminals and judge has expelled them. When the law is changed also these persons have the possibility to stay in a save house in Denmark up to 100 days.

The Prostitution Scene

In Denmark the numbers of prostitutes are calculated on observations on the amount of advertisements in papers and on the internet. It means that only the visible prostitution is calculated. Therefore the number must be considered as a minimum number. There is no sense in calculating percentages because some forms of prostitution are more visible than others.

- 3.278 in massage parlours
- 1.415 in street-prostitution
- 460 in escort
- 134 in their homes
- 148 in bar-prostitution
- 99 in combined form massage parlours and escort
- 33 in combined form in their homes and escort

The visible prostitution amounts to 5.567 persons.

Migrant women - From that, about 50% are estimated to be migrant women in prostitution, although the information is unsubstantiated. The picture tends to be the same as the last years.

- Approximately 45 percent (aprox.1000 women) of the foreign women in prostitution in Denmark come from East- and Central Europe (Estonia, Latvia, Poland, Bulgaria, Hungary, the Czech Republic and Lithuania in particular)
- 45 percent (aprox.1000 women) are from Asia, mainly Thailand
- 10 percent (aprox.250 women) from West Africa (Uganda and Nigeria in particular) and South America.

(The National Commissioner of Police)

This pattern is, however, distributed differently in other regions of the country. Migrant sex workers tend to work on the streets, in massage parlours and in escorting. Lately Danish authorities have notes a slight increase of especially Romanian citizens in the streets of Copenhagen. Social workers also meet Bulgarians in street prostitution. Nigerians are still a big group of foreign women working in street prostitution.

ESTONIA

■ **AIDS-I Tugikeskus** offers HIV and STI testing and treatment, thematic counselling, and distributes safe sex means and information materials for the general public and especially for sex workers and youth.

The Legal Framework

It is no changes in legislation, notwithstanding of debates in mass-media with participation of politicians, feminist organizations about necessity of criminalization of buyers, especially after this kind of legalization was introduced in Finland and later in Norway.

Official point of view till that moment, announced by the Minister of Internal Affairs Rein Lang was reflected absence of intention to have same legislation like in Sweden, Finland or Norway. Also several researchers (from Open Estonia Institute) find out from the special research that Estonian society is not ready for this kind of repressive legislation and shows quite liberal attitudes among prostitution itself.

It is problematic to compare and find differences between national and migrant sex workers, because of a very low number of migrants in general and sex workers migrants in particular.

The Prostitution Scene

During the last 2 years the majority of the big brothels in the capital and the second biggest city, Tartu, were closed by the police, but at the same time, through interviews, questionnaires and outreach work contacts, our staff found that several changes on prostitution scene were observed:

- Work conditions have improved: less facts about violence and "closed" regime of working, more flexible working timetable, better access to condoms/lubricants
- The number of sex workers who try to work independently or with minimal number of mediator have increased: using Internet, paper advertising, sms-services
- The number of adolescent sex workers have slightly decreased

The number of women working abroad has increased, and routes of the sex workers were changed. The number of sex workers who go to work in Norway, Denmark, Spain, and Greece rose remarkably.

FINLAND

■ **Pro-tukipiste** is a non-governmental, non-profit organisation that supports and promotes the civil and human rights of individuals involved in sex work.

The Legal Framework

Penal code: 1) Pandering (pimping) and aggravated pandering, 2) Trafficking, and aggravated trafficking, 3) Marketing of sexual services, 4) Buying sexual services from someone under age of 18, 5) Buying sexual services from the victim of trafficking/ aggravated pandering.

Law about public order: Selling and buying sexual services in public places.

Alien law: 1) Earning money by selling sexual services is ground for deportation (non-EU citizens). 2) The victim of trafficking can get a permit to stay for a

reflection period (from 1 month to 6 months) or a temporal residence permit if (s)he is ready to co-operate with the law enforcement authority.

Integration Act: Victims of trafficking are entitled to get protection and support from the state.

The Prostitution Scene

Prostitution scene in Finland hasn't changed much in numbers nor in nationalities during the last years. The largest groups still are Russians, Finns, Estonians and Thai people. Sex work and prostitution as a topic has recently been widely discussed in the media and in different quarters. Especially Thai women have been targeted by both the media and the authorities. Sex workers own organisation SALLI received official NGO status in 2006.

FRANCE

■ **Autres Regards**, a community based organisation for sex workers, prevention, access to rights, and access to health care.



■ **PASTT**, a NGO for transgender sex workers that does HIV/STI prevention, outreach work, offers access to rights, and to health care.

The Legal Framework

Prostitution is not forbidden in France, only soliciting and pimping.

The *Law for Inner Security* of March 2003, which considers "passive soliciting" as an offence is still valid. It concerns "every person who has the intention to propose a remunerated sexual service in the streets but also in public places such as bars, public gardens, roads, park places, woods, etc."

The police have only the right to question a person. After their questioning the person can be held in custody up to 72 hours. The prosecutor decides then whether to start legal proceedings. The sex workers can receive a penalty of two months prison and a € 3.750,00 fine.

Recently we could see the effects in Marseille, as the police control more and more, and more women are arrested and held in custody.

Concerning sexual exploitation, victims of trafficking can give witness or complain against their pimp and, since the decree from September 2007, be granted a temporary residence permit of one year with the right to work. Conditions are strict and the delivery of such permit depends on the will of local authorities. They often continue to give residence permit with a validity of 3 months. Since September 2007, victims have as well a 30 days period of reflection.

Nevertheless, only few victims complain against their pimp, and beside, there is a lack of shelters and social help for them.

It can be noted that we have a discussion in France about the Finnish and the Swedish models, and especially on the fact to punish the clients. Despite great advocacy campaigns from sex workers, we might go on this direction.

Concerning immigration, lots of laws entered into force during the two last years. They were codified on a Code, called CESEDA. The aim for the government is to reduce greatly the economical migration and the familial migration. It's as well more difficult to get the refugee status.

According to the employment situation of migrants, it depends on their origin. Persons coming from the new Eastern European countries have a legal residence but should get a work permit. For some jobs (150 jobs in a special list), they get automatically an authorisation, while for all the other jobs, they have to compete with the national labour market. It's almost impossible for them to get a work permit outside these 150 jobs.

For migrants coming from countries outside Europe, the government introduced a list of 30 employment's possibilities, for which they can get easily a work permit. However, these are only specialised or high level jobs.

The health insurance for non -documented people created in 2001 is still valid (AME, Medical Help from the State).

The condition is to have been in France for more than 3 months. It covers many health cares, only in hospital, apart from dentist and ophthalmologist cares. We have insurance with a larger coverage, called CMU (system of free health care for those on low incomes) but only for documented people.

It should be noted that the migrants coming from new Eastern European countries do have the right to get the CMU only if they prove their non-affiliation to the system of their country of origin - which is often impossible for them.

Globally, we can observe that the position on immigration and prostitution is far much more severe. The increase of poverty, the lack of work and housing are creating a more vulnerable situation for migrants and sex workers.

The Prostitution Scene

Here are the estimated numbers of sex workers at the end of 2006 for the **South** of France.

Estimated number of sex workers: 3400

Female: 2700, Male: 400, Transgender: 300

They mostly work on the streets but more and more in private places.

Percentage of migrant sex workers: 80%, 2720 persons

- 70% work outdoor: 60% work in city streets, 10% in border area

- 30% work indoor (15% in apartments)
- 60% come from Africa and 21% from Eastern and Central Europe
- The origin of migration depends on the cities: in Nice, the majority of migrants come from Eastern Europe, whereas in Nîmes the majority comes from Sub-Saharan Africa and in Marseille from Maghreb.

Globally we observe an increase of the number of sex workers working indoor. We do not know the exact numbers in France, but some projects are elaborated in this direction.

Concerning migrant sex workers we can find in the **South** of France in the city of Nîmes transgender sex workers from South America, in Nice transgenders from Tahiti, women from Eastern Europe and Africa, in Montpellier maghrebien women sex workers, in Lyon women from Africa and Eastern Europe and in Marseille maghrebien women and transgender sex workers.

In the **North** of France at the borderline with Belgium there are many French women and men as well as women and transgenders from South America. Many of them are working by announcements on Internet and in journals like in Paris.

Paris: 2300 contacted sex workers in 2007:

- 58% transgender
- 23% women
- 12% transvestites
- 7% men

Nationalities:

- 48% South America
- 16% France
- 15% Maghreb
- 9% Africa
- 7% West Europe
- 3% Asia
- 2% others

As Paris is the biggest city of France, the numbers we collected there can be seen as a representative example of the variety of sex workers' way of life and origin.

2007 was a year of fighting against exploitation, pimps and trafficking. In Paris, PASTT was involved in getting 14 persons judged for trafficking persons from Brazil to France, Luxembourg, Belgium and Suisse, 5 of them has been condemned to several years of prison.

GERMANY

■ **Amnesty for Women** is a human rights agency. It is a social and legal counselling centre, and a meeting point for migrant women in Hamburg.



The Legal Framework

The Prostitution Law (ProstL) of 2002

The ProstL aimed the legal and social improvement for sex workers:

- it abolished the "immorality" quality of sex work, by permitting self-employment as well as employment contracts in prostitution, giving sex workers access to the social security
- it declared that sexual activities in exchange for payment are grounds for legally valid claims and
- it decriminalised the promotion of prostitution, meaning that the provision of good working conditions is expressly no longer punishable.

The Evaluation of the ProstL

On behalf of the *Ministry for Family, Elderly, Women and Youth Affairs*, the ProstL was officially evaluated in 2005/2006. It has had a very limited effect until now because:

- The correlated legislations (on pimping, taxes, trades, building, and migration) were not changed accordingly and/or their relations to the ProstL were not clarified.
- There are no uniform guidelines or standards as to how the ProstL is to be implemented: it is interpreted and applied differently in the 16 member states.
- Prostitution was not recognised as a trade or a profession, but just as an activity, what limits the labour rights of those working in it.
- It considers only documented sex workers, despite the fact that migrants represent about 60% of the total. Migrants are mostly only related to trafficking in women.

Consequences of the ProstL

Application of the Law – Taxes and brothel licences are applied differently or not at all, depending on the State or the city; there is little clarity about the ProstL; sex workers, brothel/apartments owners and authorities are insecure. Therefore, only a minority of sex workers registered. The exceptions are sex workers from the new EU countries. The great majority work as autonomous or self-employed.

Work contracts – Almost no contracts were closed: they are still not attractive for either sex workers or brothel owners. Some sex workers would have their income reduced (taxes and social benefits) and others, as they work only occasionally, do not want any sort of attachment. Brothel owners have limited directive rights (only place and working hours) otherwise they could be accused of pimping.

Licences for brothels – The goal is to bring more transparency into the sex industry through better control of the working conditions (similar to the Dutch model). But it will also mean that undocumented migrants will be pushed into worse, isolated, exploitative and dependent situations.

Recommendations of the Evaluators

- to recognise sex work as a trade,
- to abolish the prohibited zones and the advertisement prohibition,
- to change the Alien Law in order to facilitate the legal entrance and labour of non EU citizens wishing to work in prostitution,
- to give NGOs more financial support,
- to establish an interdisciplinary national expert group to evaluate and develop new strategies to improve the working conditions within the sex industry

Recommendations of the NGOs

All the ones above and more:

- Common guidelines and standards on national level.
- Abolishment of the term "morality/immorality" in the Trade Legislation.
- Consider sex work a legal trade (**positive**: more professionalism, less stigmatisation, and only possibility to have it recognised by the Alien Law; **negative**: more control and exclusion of undocumented persons).
- Clarity on the definition of "pimping" to allow work contracts.
- Set a date for registration at the Finance Authorities: no backdating of taxes before 2002.
- Sex workers are not per se "victims": to take sex work out of the criminal law and consider it within the civil law, from a human rights' perspective.

The Prostitution Scene

There was a visible increase of female and male sex workers from the new EU countries, mainly from Bulgaria and Rumania.

In Germany, about 60% of female sex workers are migrants. Prostitution is done by 80% indoors, in apartments, brothels and clubs.

Examples of interpretations of the Law:

Taxes – In some towns, brothels collect a lump-sum from self-employed sex workers, as in Berlin (up to €30,-), Bochum (€10,-), Düsseldorf and Stuttgart (up to €25,-). It is considered an advance payment regarding their annual income. In others, like Hamburg, this does not exist, and in Hanover, if not registered, they get a fine of €35,-.

The Dortmund Model – was created in 2002 and recognises sex work as a trade, and includes: a regular cooperation (a round-table) among Police, Public Health Service, NGOs, brothel owners and sex workers; the registration of sex workers at the Financial Authorities; and the registration of brothels (up to 3 sex workers) and apartments (less than 3 sex workers) at the Municipal Authorities, where they get a license. If caught without the license, they are closed down.

Building regulations – In Berlin, the Building Authorities and the Police have been controlling and closing down old brothels because they are located in residential areas.

Mandatory condom use – only in Bavaria, sex workers get a fine if caught offering or advertising for unprotected sex.

GREECE

■ **ACT UP** works on the field of HIV/AIDS and STDs prevention especially with difficult to reach populations (migrants, sex workers, trafficking victims) and populations with high risk behaviour (IDUs and homosexuals).

The Legal Framework

Changes concerning the legal framework are the new articles (§ 28, law 3536/2007 and § 28, law 3613/2007) complementary to the migration law (3386/2005).

Modifications concern legally documented migrants, while the situation remains the same for undocumented migrants (Civil servants are not allowed to communicate with undocumented migrants. Health authorities are included, with the exception of treatment for minors and emergencies).

According to the General Secretariat for Equality (Department of the Ministry of Interior) there are current programs for the social rehabilitation of female-trafficking victims.

The Prostitution Scene

Prostitution is allowed only in brothels but it also takes place in bars, in the streets, in the hotels or through advertisement in the newspapers and mobile phones.

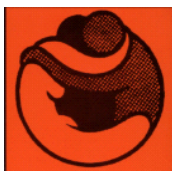
The number of legal sex workers does not exceed 700 but the number of illegal ones is estimated around 10.000.

The nationalities of the newcomers who intend to work in the sex industry has changed lately, with an increasing number of women coming from Africa, especially Ethiopia, Eritrea, Nigeria, Ghana and Congo.

Impressive is the fact that women from Germany (around 40 already work as legal sex workers in Athens) appear in the brothels.

HUNGARY

■ **Sex Education Foundation**, coordinates NGOs dealing with social work, carries out educational and health promotion programs for vulnerable groups (male and female sex workers, trafficked women, Roma groups, youth)



The Legal Framework

Hungarian sex workers - The Main Hungarian Statistical Office-Service gave a code for those performing sex work as an economic activity, as work or service: it is a *non classifiable service done by an own contractor, who has to pay tax*.

Migrant sex workers - Hungary became an EU-border country and experienced an increasing migration from the East European countries. Most non-EU citizens enter Hungary with a tourist visa for 3 months, which forbids them to work in Hungary. The tourist becomes illegal after starting work and risks deportation. Usually migrants work in their own flats or hidden brothels. The working conditions are quite bad. Like the Hungarian sex workers, they have problems of human rights abuse, language, violence, and have no access to any social and health contact and aid.

The Prostitution Scene

- The estimated number is 15 to 20.000
- Work place: in bars, massage parlours, peep-shows, private homes, rented flats (alone or shared between 2 to 3 sex workers) on the street, in truck parking places, highways, gasoline stations.
- 70% of the sex workers work in flats.
- More than 85% are Roma women who work on the street, at truck parking places and on the highway going to Austria, Germany, Italy, France, Spain, and Holland.

ITALY

■ **The Committee for the Civil Rights of Prostitutes/CDCP onlus** was founded in 1982. It unfolds activities to aid prostitutes and to inculcate social policies finalised towards the improvement of the condition of those who prostitute themselves.



The Legal Framework

Although prostitution is not illegal in Italy, it is tolerated with an old abolitionist law, *Legge Merlin*, which this year celebrates its 50th anniversary. Since its instauration, several debates have been held in the Parliament to modify this law. Recently in 2007, the Government proposed a bill with the intent of limiting prostitution on the streets and allowing in-door prostitution. The debates within the parliament failed as opposition from the Catholics prevailed.

The law against trafficking (articles 18 and 13 – exploitation in prostitution and anti-trafficking respectively) has been extended to EU-community citizens who can have access to these assistance programs. As a matter of fact, the existent network of projects all over

Italy provides shelter and assistance to people who have been exploited professionally other than victims of sexual exploitation.

Considering the significant increase of minors involved in trafficking, a lot of attention has been given to the problem.

According to the Italian Observatory on Trafficking, there have been 11.226 victims of trafficking in Italy, between 2000 and 2006, of which 619 minors and 5.495 adults' beneficiaries who obtained the permit of stay.

In 2007, a new decree issued by the government, aggravated measures for the expulsion of immigrants without the permit to stay or who are considered violent or socially dangerous. Good enough, however, a judge in Genoa annulled the expulsion of a prostitute ruling that sex work cannot be considered dangerous for the society.

In conclusion, there have been no other significant changes in the immigration law that was issued in 1997 save for a few harsh modifications which the government introduced in 2001. Instead of shutting down all Temporary Detention Centres (CPT), the government modified the name to CPTA - Centres for temporary stay and assistance where asylum seekers are confined along with illegal migrants due for expulsion.

The Prostitution Scene

Prostitution in Italy is practiced indoor and on the streets in equal numbers. As a result of the severe repressive measures against street sex workers, there has been a significant increase of indoor (flats) sex workers. Adverts are published on dailies and on the internet. Sex work is also practiced, illegally, in several nightclubs and bars. Most women who work in flats come from Latin America, Eastern Europe and Italy.

A new phenomenon of Chinese massagers is gaining ground all over Italy. They work exclusively in massage parlours for men and only through newspaper ads. Sex work by the Chinese is offered at a cheap price and is accessible to the low/middle class and is thus at the reach of a large part of the population.

African women are still present in great numbers on the streets and the majority comes from Nigeria. Rumanians and Moldavians are also present on the streets in great numbers.

There are fewer women from new EU member countries like Poland, Hungary and the Baltic states. Hungarians and Russians are mostly present in clubs.

A discrete number of sex workers come from the Balkan countries such as Albania, former Yugoslavia and Kosovo. In general, the Albanians are old acquaintances and there are, therefore, no new arrivals from Albania.

The main working areas are the streets, expressways, major roads, strip malls or industrial areas at night. Mobility within the towns and the regions partly due to repressive

actions and due economic reasons is very high.

Working rates vary from 20 up to 500 euros for indoor services. The lowest rates are applied by the Chinese in massage parlors. Sex workers work all day and all night on the streets and even in apartments but work only at night on the streets and in night clubs.

Associations operating in this sector estimate a maximum of 75.000 sex workers of which 75% migrants, and at least 10% trans-sexual. Although male sex workers are present on the territory, no detailed studies have been carried out on them.

LATVIA

■ **Genders** - Development of preventative strategy and measures against STI/HIV in Latvia. Support of women working in sex industry. Providing them with medical, legal, social and consultation assistance. Prevention of trafficking in women and youth in Latvia (informational campaigns, educational programs for the Latvian society and support of the victims of trafficking)



The Legal Framework

Nowadays it is abolitionism in Latvia – the official attitude of the state is based on the fact, that on the 13th of July 1992 Latvia had ratified UNO convention of 1949 „About fight against trafficking in human beings and prostitution exploitation by third parties”. This system does not imply regulations, which would restrict sexual services or sexual relations for money; however other aspects of prostitution, such as running public houses, pimping, sex with underage persons are qualified as crime and are punishable with imprisonment. In this way anything that is connected to prostitution, is criminalised, but prostitution itself is not a crime. One of the most considerable laws, which regulate prostitution, is Regulations issued by the Cabinet of Ministers of Republic of Latvia Nr. 210 (22nd of May 2001, protocol nr. 24, 20.). But they haven't been changed since the adoption.

Latvian Criminal Code also contains paragraphs, which criminalise violations connected to prostitution.

Trafficking in human beings

In connection with UNO convention of 1949, after eight years, in the paragraph 165.1 of the criminal Code of Latvia „person's forwarding to a foreign country for sexual exploitation with or without

person's agreement” was declared to be a crime.

Human trafficking was declared to be a crime two years later – 23d May 2002, paragraph 154: Human trafficking in the perception of the paragraph 154 of the Criminal Code of Latvia is „recruitment, transfer, concealment or reception of a person with the aim of exploitation, by means of violence, threats or fraud, or using person's subordination to the guilty person or person's helpless situation, to achieve that person's agreement for traffic, upon whom the victim is dependant.

Exploitation is person's involvement in prostitution or other sexual exploitation, or keeping in slavery, or other similar forms, keeping in bondage or illegal extraction of person's skins or organs”.

The Prostitution Scene

The actual number of prostitutes is very variable. Total number of employed in sex business can be 3000-4000 persons, but taking into account short-term employments during the year, coming and going women, this number might be a couple thousands bigger.

Prostitution occurs in all Latvian cities, and exists both – in an open and hidden way.

The widest market of commercial sex is in Riga. Prostitutes work mainly on streets, escort services, clubs, bars, own flats, parks and in the area of central railway station and central market.

In particular, the division by gender remains steady – the vast majority (nearly 80%) of sex workers are female, and all the rest – male, with the exception of a few transgender persons. Over 75% of sex workers in the area are national, and about 15% - migrant, coming from Eastern Europe (so-called ex Soviet countries – Russia, Belarus, Ukraine, Lithuania and Estonia). SW provide their services mainly on the streets (specially approved) (nearly 70%), others – in brothels (about 30%) and clubs and parlours. 98% of the migrant SW's work in indoor prostitution.

The mobility is very high: 50% of national SW have worked in a other EU country and 48% of the migrant SW's have worked in other EU and Non EU (Russia, Ukraine, Moldova, Belarus) before Latvia.

The vulnerability factors are: low education, social and language barriers, low income and high unemployment, as well as drug and alcohol addiction (concerning drug addiction: we have to mention the growth of this problem in the last years). Violence against SW is also a major factor of vulnerability.

LITHUANIA

■ The Lithuanian AIDS Centre is a GO with following departments: laboratory, anonymous testing site, public education unit, drug users' social rehabilitation, the *Social Ailments Consultation Site* and the AIDS Hot Line. The NGO Demetra that belongs to AIDS Centre runs a drop-in centre for sex workers and carries out outreach work among sex workers, including drug using sex workers.

The Legal Framework

Sex Work - The engagement in prostitution or remunerated use of prostitution services is subject to a fine from three hundred to five hundred Litass.

The same actions, evidenced by persons punished by administrative penalty for the offences specified in paragraph 1 of this article, are subject to a fine from five hundred to one thousand Litass or administrative detention for a term of up to thirty days.

A person who was engaged in prostitution shall not be prosecuted to administrative liability if he was involved in prostitution being dependent economically, through employment or being dependent in any other way, or engaged into prostitution by force or coercion, or deceit, or was engaged into prostitution in whatever way whilst being an underage or/and is a victim of trafficking in persons and is recognized as a victim in the legal proceedings.

The Prostitution Scene

Lithuania is becoming the country of sex trade (the statement from EU conference), the country of sex worker export. Women trade for sexual purposes has become an organised crime in international scale. It is an international problem, not a one-country business.

Experts conclude that extent of women trade in Lithuania is the largest among the Baltic countries. Though, the real number of trafficked women is unknown (presumably about 2000-3000 women become victims of trafficking per one year, and a half of them are from Lithuania). Experts agree that this number has been growing since 1990 (when the first cases were reported), and the list of destination countries is even longer.

Theoretically, three main women trade groups may be single out: street prostitution, women working with escort agencies and “export” of women abroad.

Street prostitution is ranked the lowest category but is more or less “open” and: free”. It is difficult to count how many sex workers work all over Lithuania. According to our data, about 200 sex workers solicit around the Vilnius railway and couch station. This is not a stable number since some sex workers are not “full-time” workers and supplement their budget among other jobs with income from prostitution.

Quite big shares in prostitution business take women from Russia, Belarus, Ukraine, and Moldova. The Russian-speaking sex workers are in greatest demand, though sometimes the foreigners are used only as replacement. The number of foreign sex workers has decreased because of visa requirements for citizens from countries non-EU members and because of high fines for human trade and trafficking.

Lithuania is still a transit country, and many sex workers are staying here only temporarily and upon any chance go (or are sold) to the West. The main destination countries of women migration and trafficking remain Great Britain, Italy, Germany, The Netherlands, Norway and Spain, though, new, more exotic countries are also chosen, for example Emirates.

LUXEMBOURG

■ The **Dropln** is supervised by the Red Cross and is the only specialized service provider for sex workers in Luxembourg.

The Legal Framework

In Luxembourg prostitution under 18 years is not allowed by law and upper 18 years the practice is no more mentioned in the legislation. Punished by law are: violence against sex workers, pimping, enrichment through money from sex work and trafficking in human beings for the reason of sexual exploitation. Normally sex workers with tourist visa are not allowed to work as a sex worker.

Officially sex work exists only on the street and in flats. Street prostitution exists only in Luxembourg City.

It is only allowed to work in two streets near the train station area, from 8pm till 3pm. If they work on other times and places, they get fines up to 2.500.-€ each.

More and more sex workers are involved in criminal acts. And more and more sex workers do have problems with drugs (alcohol, cocaine, etc.). We notice that more and more they do have to fight against indebtedness.

The Prostitution Scene

Work places are: on the street, in flats and bars.

Approximately 1 500 prostitutes are working all over the Grand-Duchy of Luxembourg.

We count more or less 75% migrant sex workers. Most of the sex workers are women, about 90%. 10% of them are transvestites or transgenders.

The biggest group are of Latin Americans.

All sex workers are quite mobile, those from South-, Central and Eastern Europe, as well as those from Latin America and Africa.

Venues of migrant sex workers: Belgium, France, Germany, Spain, Portugal, Netherlands, Portugal, Italy, Greece, Switzerland.

Main nationalities of migrant sex workers: Belgium, France, Germany, Spain, Portugal, Netherlands, Italy, Congo, Nigeria, Ghana, Algeria, Brazil, Morocco, Ecuador, Venezuela, Peru, Colombia, Ancient Yugoslavia, Greece, Kosovo, Poland, Bulgaria, Rumania, England.

THE NETHERLANDS

■ **TAMPEP** was found in 1993 in response to the needs of (migrant) sex workers in 25 countries in Europe. It is a networking and intervention project focussed on assessing the situation and needs of female and transgender sex workers from Central and Eastern Europe, Asia, Africa and Latin America and on developing appropriate responses.



The Legal Framework

The law on legalisation of exploitation of prostitution dating from 2000 that was introduced in order to regulate and control this sphere of economy and to improve the position of sex workers is still in charge.

Recent developments: under the excuse of combat against trafficking in human beings, the screening of the legality of the management of sex business and the city development planning, the authorities started to diminish drastically the number of prostitution establishments and locations. It started some years ago with closing down major street prostitution tolerance zones (Amsterdam, Rotterdam, the Hague) and now there are plans for closing various window prostitution areas in many cities, including the famous Red Light District in Amsterdam.

In Amsterdam, more than 300 window brothels have disappeared already (the municipality bought the buildings from the owner) and some famous sex clubs have been closed on the base a result of suspicion that there were criminal activities involved. It is expected that this trend will continue and the number of sex establishments will diminish in the whole of the Netherlands with the result – already observed – that there is a shortage of working places for the women, which means their weakened negotiation position towards the sex business owners and the danger to fall victim of all kinds of intermediaries in prostitution. Also, some parties proposed the introduction of the law criminalising clients

who use the services of trafficked sex workers.

The Prostitution Scene

The estimated number of sex workers is about 25.000. About 60-70% of them are migrants; mainly from CEE (Hungary, Bulgaria, Romania, Poland), followed by Latin America, Africa, Asia.

Structure of prostitution scene: mainly indoors, in windows, clubs and escort. Street prostitution is allowed only in the tolerance zones that have been created mainly for drug using women but their number decreased significantly and they are allowed only to the women who are in possession of a special permit. There is a significant clandestine scene where the women from outside the EU work who are thus beyond the reach of services. Another setting that is difficult to reach and assess are the escort services.

Self-employment: most of the women work in this form. There are many signals that the self employment in the clubs is violated by the owners as they try to impose on the women all kinds of obligations, such as the need to be present at a certain time, restrictions in the choice of clients, etc.

Taxes: all sex workers are supposed to pay income taxes, and it is known that some of them try to avoid this duty. From January 1st this won't be possible because the sex business owner has the obligation to present a bill with TVA so her renting the room will be officially recorded (what until this time was not a fact).

NORWAY

■ **Pro Sentret** is a national centre for documentation, information and advice on prostitution issues. It is also a health- and social service: providing health services, counselling, drop-in centre, outreach and skills-acquisition.

The Legal Framework

Prostitution is still not illegal in Norway, neither selling nor buying. Exception: buying sexual services from a person under the age of 18. Prostitution is not considered to be work, thus one cannot demand a working permit. Therefore it is not illegal to sell sexual services for an alien as long as one has a permit to stay and work. In practise it is the alien law that usually comes into action. If a person cannot prove that she has a valid return ticket and enough money for her own support (a place to live and a daily amount of ca 65€) she is deported as long as she isn't a EU/EEA citizen

Pimping and organising is illegal, including renting out premises for prostitution and openly advertising for sexual services (buying, selling or procuring). We notice that police

recently is more eager to enforce the law, also disturbing the indoor part of the marked in order to reduce it.

The most important change in the law has not come into action yet: *The government is working on a law criminalizing the purchase of sexual services*. A proposal has been out on a hearing. In practice this is a copy of the "Swedish model": all purchase is illegal – no difference between forced or voluntary prostitution is recognised. The law is expected to be passed in Parliament this spring, coming into action from 1.1.2009. An expected outcome is that the visible part of prostitution (street-work) will be reduced dramatically.

There is a § on trafficking (Civil penal code § 224) from July 2003: It is forbidden to exploit another persons prostitution, forced labour, war service in another country or removal of organs, by force, threats, abuse of a vulnerable situation or by other improper behaviour or to mislead anybody into such position. Punished is also anybody who facilitates trafficking. If the victim is under the age of 18 the perpetrator can be punished regardless of use of violence threats etc. There are 8 court decision by this § so far.

Norway has a National Action Plan against Trafficking 2006-09. 6 months temporary permit to stay – a "reflection period" – is granted to alleged victims of trafficking. This is an improvement from the last Action plan. If granted a "reflection period" you are also granted a permit to work. An increasing number are applying for the 6 months, and so far nobody has been turned down. Governmental bodies are still working on a clear understanding of how victims of trafficking are identified. Guidelines are expected to come soon. After the 6 months one can apply for a one-year permit to stay, but the terms are hard, including cooperation with the police in identification of traffickers.

The Prostitution Scene

Total amount of sex-workers in Norway is estimated to be 2500 -3000 individuals in 2007.

At a minimum, 60 % are migrants. There is still an increase of migrants and a decrease of national sex workers in the street scene.

It seems that the increase of Nigerian sex workers in street prostitution slows down the last two years while Bulgarian/Rumanian sex workers increase. These nationalities work in the streets, rarely in-door.

Roughly speaking here is the distribution of migrant sex workers Pro Sentret encountered last year by region:

- South-East Asia: 9.0 %
- Africa (mainly West) 31.0 %

- Latin and South America 3.8 %
- Eastern & Central Europe 25.2 %
- Western Europe 4.6 %
- Norwegian 25.2 %

Approximately 60 % work on the in-door marked (massage-parlours, flats, hotels) and 40 % in street prostitution.

We have noticed an increase in mobility among sex workers, and also that they are working more alone or in smaller units. This might indicate a more pressed marked or a marked moving underground or both. There are regional differences. Street-prostitution is mostly apparent in 3 major cities.

In Oslo street prostitution (60%) is larger than indoor (40%), mainly because of migrant prostitution. This is different from the rest of the country.

POLAND

■ TADA informs about HIV and STI, advocates for sex workers, brings up the idea of harm reduction, organizes symposiums, meetings with organizations acting in the field of HIV/AIDS prevention, and does outreach.

The Legal Framework

Sex work related crimes in Polish law (the law has not been changed since last year):

- To force someone to sex work (art 203 peal code)
- To induce someone to sex work or to make it feasible (art. 204 § 1 P.C.)
- To benefit from someone's sex work (art. 204 § 2 P.C.)
- To traffic someone in purpose of sex work abroad (art. 204 §4 P.C.)

The crime also is to knowingly expose someone to HIV infection (art 161 § 1 P.C.). Penalty: imprisonment up to 3 years to knowingly expose someone to infection with STD or infectious disease, or other incurable disease (art 161§ 2). Penalty: fine, limitation of liberty or imprisonment up to 1 year.

The Prostitution Scene

In Poland, apart of street sex workers and those working in hotels, there are also night clubs where they work.

Currently, a number of flats or apartments without adverts increase radically; night clubs and agencies with a sign-board have reduced. According to the police statistic in Poland, there are about 1000 night clubs.

The owners of the night clubs very often sign a labour contract with the sex workers which do not include sex work itself.

A lot of women work by their own as call girls and a lot of them are perceived as luxurious ones.

There are still sex workers working next to the roads and highways.

According to TADA's research, the main nationalities of sex workers are: Poles, Ukrainian, Belarusian, Russian and Bulgarian.

The official number of sex workers in Poland:

- about 8000 women, 50 men, and 90 minors under the age of 15 (cases registered at the Police Department)
- 957 night clubs with about 3700 Polish women and about 1200 migrant sex workers, mostly Ukrainian
- The number of sex workers under 18 increases constantly; 98% are women. 20% of those under the age of 18 are migrants, who mostly work in night clubs and next to highways, rarely in big cities centres.
- There are a low number of sex workers from Belarus, and increasing number of them from Ukraine.
- The sex business is being advertised in form of: press announcements, Internet, leaflets, etc. During the summer holidays, the number of female sex workers working along the Baltic Sea side increases.
- The number of sex workers did not decrease.

PORTUGAL

■ The ARSNorte/Autoestima Project is a GO under the Northern Health Regional Administration of the Ministry of Health. It targets sex workers. The aim is to increase their level of health and to protect them from the risk of HIV/STI infection.

The Legal Framework

Sex Work - Voluntary prostitution is not a crime, although it is not recognised as a profession. There is a lack of legal frame to protect Sexual Workers.

Trafficking - The first National Plan against the Traffic of Human Beings (2007/2010) has been designed. This plan predicts new measures of support to the victims.

Law Changes (nº368/2007) – Single Article:

Concession of residence authorization to foreign citizen identified as a victim of traffic.

This special regime does not require that the victims remain in national territory in the interest of the investigations and of the judicial processes, and does without the clear will of collaboration with the authorities in the investigation and repression of the traffic of persons or of the aid to illegal immigration.

The victim of traffic is defined as a person regarding whom there have been acquired indications of the practice of this crime by a judicial authority or organ of criminal police, or when the coordinator of the National Plan against the Human Traffic understands that there are sufficiently ponderous motives to believe that this person is a victim of traffic and it is determined that protection is necessary, for there will be risk of the victim, his relatives or persons who maintain near

relations with him/her to be the object of threats or insults to personal or patrimonial goods, practiced by the agents of traffic.

The Prostitution Scene

At present an effective mapping at national level does not exist. There are however, differences between the North and the South of the country. The situation in the North of Portugal is as follows:

Places of work

- 44% bars + clubs
- 34% street
- 22% apartment

Nationalities

- 73% Brazil
- 20% Portugal
- 4% Colombia
- 3% others

ROMANIA

■ **ARAS/ The Romanian Association Against AIDS** does HIV/AIDS prevention and offer services for the general population and specially for the vulnerable population, and advocates for the human rights of the vulnerable population.

The Legal Framework

Sex work is illegal and punished according with the Penal Code with bill or prison (3 months to 3 years);

The traffic is also illegal and punished by imprisonment (3-10 years and to 18 years if involves minors); SW facilitation is punished by imprisonment (2-7 years).

As the sex work is illegal, the public safety authorities routinely arrest or at least give them a fine; SW get tens of fines each months, which they are unable to pay.

The Prostitution Scene

A national estimation has never been made; ARAS works with approximately 600 SW, in outreach activities (street and clubs and bars); the percentage of migrant sex workers (coming from the Republic of Moldavia) does not exceed 2 %.

Other know venues include hotels, motels, apartments – connection with clients via internet/phone/newspapers adds; there is no estimation of the number of sex workers practicing this type of work.

SLOVAKIA

■ **C.A. ODYSEUS** is NGO. The aim is to participate in human rights observing and to increase the quality of life of vulnerable communities, mainly drug users, sex workers and children and young people from threatened and marginalised communities.

The Legal Framework

Sex work is not regulated in Slovakia. Penal Code (Act No. 300/2005), effective from January 1, 2006, deals with pimping, trafficking in human beings and coercion into prostitution. Sentences of imprisonment for the cases mentioned above are from 1 up to 12 years. It depends on the seriousness of the crime.

Some of the districts in Bratislava (Bratislava I., II. and in the process of resolution is Bratislava V.) accepted the local regulations in which the persons who offer and provide services with the aim of sexual satiation in public places of the particular district can be punished for public order offence. The persons who have sexual contact in public places (no matter if they are a sex worker with a customer or any other persons) can be charged 1.000 Slovak crowns (26 euros) by Bratislava city police or state police. In some cases (if the persons and police agree upon a ticket) the financial penalty is 500 Slovak crowns (13 euros).

There are no changes in the migration scene. The majority of sex workers in Slovakia are national sex workers, many of them work in different parts of Slovakia as in their place of origin. There are some migrants from the former Soviet Union who are in contact with other NGOs who provide services on the eastern part of Slovakia.

The Prostitution Scene

There are 5 NGOs working with sex workers in Slovakia – C.A. Odysseus and C.A. Prima in Bratislava, C.A. Storm in Nitra, C.A. Pomocna ruka in Kosice and C.A. Risen in Presov. All of these organisations work only with street sex workers.

There is no organisation providing services for indoor sex workers. It is very difficult to establish contacts with owners of sex clubs; therefore, the data we have regards the street scene.

Sex work is provided mainly:

- on the streets or highways (specially in the bigger cities)
- erotic or strip clubs
- massage parlours
- private flats
- escort agencies
- some discos

On the street scene in Slovakia there are about 1000 sex workers. It is impossible to estimate the number of sex workers in the indoor scene. Around 97% of sex workers are

national sex workers. 3% came from the former Soviet Union.

SLOVENIA

■ **CARS/ Centre for AIDS prevention and vulnerable groups** is a non-governmental humanitarian organization operating in the area of prevention of HIV infection and offering different forms of support to everyone directly exposed to the risk of HIV/AIDS.

The Legal Framework

Prostitution

- The Amendment of the Act on Criminal Offences against Public Order and Peace decriminalization of prostitution
- Penal Code – abuse of prostitution (article 185)

Trafficking

- Penal Code – trafficking in human beings (article 387a)
- Aliens Act – provisions for victims of THB (article 38a)

Migration

- Aliens Act
- Citizenship Act of the Republic of Slovenia
- Constitution of the Republic of Slovenia
- Asylum Act

The Prostitution Scene

Prostitution - Estimation: 1.400 to 3.000 persons. After the independence prostitution was on the rise. There was an increase of night bars. There is no street prostitution in Slovenia. The most widespread form of prostitution is the so-called mobile prostitution. Other forms include hotel and bar prostitution.

Trafficking - Data from NGOs and state (police) are not harmonized. In 2006 around 40 persons and until June 2007 5 persons

SPAIN

■ **HETAIRA, Association for the Defence of Sex Workers' Rights**, which main aim is the self-organization of sex workers, to empower and give them voice. They offer counselling and are a meeting place.

The Legal Framework

Prostitution in Spain is not illegal, but it isn't regulated either. It is, therefore, alegal. In March of 2007 the Spanish Parliament wrote a report of abolitionist tendency. Spain did not sign the European Convention on Action against Trafficking in Human Beings (1st February, 2008). There are an increased number of police harassment against street prostitution in the most important cities of Spain.

The Prostitution Scene

- Open spaces: streets, roads, public parks, industrial parks.

- Closed places: clubs, flats.
- 90% of prostitutes are immigrant: 43% Eastern Europe, 26% Latin America, 20% Sub-Saharan Africa, 4% Maghreb and 1% Western Europe (6% Spanish).

SWITZERLAND

■ **Aspasie**, a sex workers' organisation, **APIS** (AIDS prevention for female sex workers), **MSW** (male sex work), **Don Juan**, prevention for clients, **PROCORE**, a network of 28 members (24 sex work or HIV organisations, 3 independent sex workers).

The Legal Framework

Sex work is legal in Switzerland. Local rules are more or less tolerant or repressive, which creates internal migration. With the new migration law (*Ausländergesetz*) the situation of female migrants from non EU-countries is worsening. In case of trafficking they only may stay in Switzerland if cooperating with the police and this depends on local arrangements, not due to a national law. In March 2008 a petition against women trafficking will be launched by different parties and national organisations, asking for better personal and judicial protection for female victims of trafficking.

Cabaret dancers from outside of the EU and EFTA-states can get a short-time work permit (L) for 8 months but more and more regions of Switzerland abolish it. In these regions migrants choose or are forced to work illegally and it is difficult for prevention projects to get in touch with them.

The Prostitution Scene

All forms of prostitution are available: Street sex work, massage parlours, sex centres, sauna clubs, escorts, etc. There are no reliable statistics existing.

NGO's evaluate that there might be about 25'000 (official figures mention 14'000) persons active in sex work during one year all over the country, maybe 75% of them are migrants.

According to statistics their provenience in 2006 has slightly changed comparing to 2005: South and Central America 36.1% (-1.9%), Eastern and Central Europe 33.5% (+1.8%), Africa 14.3% (+0.5%), Asians 10.7% (-0.6%), others 5.4 (+0.3%).

Increase of populations movement in the last years came through hardening of the general economical situation and through the bi-lateral agreements with 27 European countries: professionals as well as inexperienced women arrive from European countries (also south Americans through Spain and Portugal) with the idea to earn some good Swiss money. But the market is already saturated; no apartments

are available, abuse, police control, deportation...

NGO's observe that after a short stay, most of these persons leave the country.

UNITED KINGDOM

■ **SCOT-PEP** is a peer-led, community development and participation organisation, promoting health and dignity in prostitution. We are committed to ensuring that sex workers are afforded equal measure of dignity, respect, and acceptance that others in society enjoy – and expect.



The Legal Framework

Prostitution

It is not illegal to buy or sell sex within the UK. Prostitution and the sex industry is covered by national legislation, which criminalises various aspects of the sex industry. Scotland has an independent legal system but the laws relating to prostitution are similar across the UK.

It is a civil offence for men and women to 'solicit' or loiter with intent to 'solicit' in a public place for the purposes of prostitution. However, such offences are penalised with a fine resulting in sex workers having to engage in prostitution even more in order to pay the fines or face imprisonment for non-payment of fines.

Across the UK Anti-Social Behaviour Orders are used against street based sex workers. These orders are civil court actions that exclude sex workers from certain areas or engaging in street prostitution across a defined area. Breaching such an order is a criminal offence and a significant number of street based sex workers have been sentenced to terms in prison for breaching their ASBO.

It is a criminal offence across the UK to run a brothel, live off 'immoral' earnings, seek to recruit males or females to work as prostitutes, and purchase sexual services from a minor (under 18). It is not possible for sex workers to work together legally; criminalisation has driven the indoor sex industry underground, and made sex workers vulnerable to greater levels of exploitation and abuse.

The Scottish Executive has defined street prostitution as violence against women and announced a priority focus of educating men not to buy sex, reducing harm while women are involved, and 'exiting' women from prostitution in an attempt to reduce and eradicate street prostitution. In October 2007 Scotland criminalised clients of street based sex workers, making it an offence for men to seek to purchase sexual services in public

places. Similar legislation has already been in place in England and Wales for more than a decade. Sex workers report having to work longer hours in increased isolation since the introduction of the legislation, with more requests for unprotected sex and increased levels of violence. Northern Ireland is currently considering introducing this legislation, despite the lack of any support services for street based sex workers.

In England & Wales the Criminal Justice and Immigration Bill currently being debated contains numerous clauses relevant to the sex industry. One clause would seek to introduce compulsory rehabilitation for street based sex workers under the threat of jail time if they fail to comply with counselling sessions. Amendments have been introduced to remove that clause and introduce a change in the definition of a brothel to allow two or three women to work together (for personal safety reasons) with a maid/receptionist. However other amendments propose criminalising any man who buys sexual services, or who buys sexual services from a victim of trafficking.

Migration

In the last two years although there has been no significant change in legislation relating to migration, the Home Office has reacted strongly to media pressure in relation to perceived illegal immigration and is tightening up systems to monitor, identify and remove illegal migrants. The UK government has allowed citizens from all the new EU accession countries to migrate and work legally in the UK – although restrictions have been placed on the number of migrants from Romania and Bulgaria that will be allowed to seek work in the UK, however, sex work is not considered labour in the UK.

Trafficking

In 2003 both Westminster and the Scottish Parliaments introduced criminal offences in relation to trafficking ONLY for the purposes of prostitution. However, there is little protection offered to the victims of trafficking within the UK as they have no right to residence; once they have given evidence in court they are returned to their home countries where they are vulnerable to retribution from the organised crime networks involved in trafficking.

Across the UK law enforcement actions, primarily targeting illegal immigration and trafficking, against the indoor sex industry has continued – impacting on both national and migrant sex workers. 2006's Operation Pentameter saw the 'rescue' of 188 women and girls during 515 raids on establishments. 78 were confirmed to be victims of trafficking during the operation and an undisclosed number of migrant sex workers are believed to have been deported. The second phase of Pentameter was launched in October 2007 and to date has seen over 200 arrests across the UK, with 120 people charged and 84

women 'rescued'. However politicians and journalists routinely make claims of trafficked women in the UK reaching numbers as high as 25,000 out of the estimated 50 – 80,000 women involved in selling sexual services. These figures rarely seem to be questioned let alone attributed to any source.

The United Kingdom Human Trafficking Centre was established which coordinates anti-trafficking initiatives across the country. However, the UK government continues to refuse to grant asylum status to genuine victims of trafficking on the grounds that it would result in a flood of women claiming to be trafficked for the purposes of prostitution if asylum status is granted. Despite government claims to focus on protecting the rights of victims of trafficking, the focus remains on their usefulness as potential witnesses in the criminal justice system and then they are returned to their home countries regardless of the risks they face on their arrival.

The Prostitution Scene

Prostitution occurs in various forms in the UK - street, sex industry establishments (saunas, massage parlours, private flats, bars, hotels, nightclubs) and escort, but the proportion varies from town to town as a result of differing local policies, attitudes and law enforcement practices.

Sex work is not recognised as legitimate employment in the UK, therefore, sex workers, national and migrant, have no employment rights in the UK and are vulnerable to exploitation and unfair working conditions. In addition the illegality of the sex industry and the stigma attached to prostitution makes all sex workers vulnerable to violence and abuse.

There have been no significant changes in the forms of prostitution within the UK since the last mapping exercise. Nor has there been any evidence from sex work projects of a significant increase in the number of sex workers within the UK over the last two years.

In the United Kingdom there is estimated to be between 50,000 and 80,000 female sex workers, of whom it is estimated that 28% (14,000 to 22,400) work in street prostitution while the remaining 72% (36,000 to 57,600) work in indoor establishments and as escorts. Overall it is estimated that 37% (18,720 to 29,952) of female sex workers in the United Kingdom are migrants, with 52% of migrant sex workers estimated as coming from former Eastern Bloc countries and the Balkans. The 2005/6 mapping exercise continued to demonstrate an absence of migrant sex workers in street prostitution in the UK, primarily because of high visibility and policing of street prostitution across the UK. Amongst indoor based sex workers it

is estimated that 52% are migrants. London projects reported 76% of their female contacts being migrant indoor based sex workers, compared to 63% and 80% in the previous two mappings. The presence of migrant indoor based sex workers outside of London varies across the country with percentages ranging from 0% to 40%, compared to 0% to 20% and 0% to 8% in the previous two mappings. However, this increase may be due as much to sex work projects increased awareness of migrants within their local sex industry and a new focus on outreach to the indoor sex industry as to any significant increase in the number of migrant sex workers.

Repressive policy and law enforcement continues to make the situation of all sex workers more uncertain. Much of the law enforcement initiatives have focussed on zero tolerance of street prostitution, illegal immigration and trafficking for the purposes of prostitution within the indoor sex industry. The street prostitution initiatives have had no impact on migrant sex workers but they have increased the vulnerability of street based sex workers who continue to experience disproportionate levels of violence and abuse. The indoor sex industry initiatives have been targeted mainly at migrant sex workers and victims of trafficking, however, it is not known how many illegal or semi-legal (right to reside but not to work in the UK) migrant sex workers have been deported as a result of these initiatives. However, as a result of these initiatives the level of fear amongst all migrant sex workers has increased and they have increasingly become the victims of exploitation, crime and violence as the perpetrators assume migrants will not report such abuse and crime to the authorities.

On Norway adapting the Swedish law

Criminalizing the purchase of sexual services

A summary by Arne Randers-Pehrson, [Pro Sentret](#)

The present situation

In 2007 all three political parties in Government have voted in favour of having a law that prohibits the buying of sexual services in Norway. On this background the Norwegian Ministry of Justice and Police has made a draft for a new law. This proposal has been out on a public hearing where all who have a say could give their input. The hearing ended in the middle of October the same year. All services involved in practical work towards sex workers or their clients expressed their scepticism on such a law, as did several institutions dealing with human rights. Several feminist organisations were in favour, as were most local police authorities. The Police Directorate, the Public Prosecutor and the Data Inspectorate are not in favour. The Ministry is now preparing a Parliamentary Bill. This Bill will be presented to the Parliament October 2008 and voted on. For sure it will go through Parliament since we have a majority government and the law will be implemented 1.1.2009. Until then it is still not illegal to buy sexual services, except from a person under the age of 18.

The present proposal

The proposed text will be an addition to the present § 202 (on pimping etc.) in the Civil Penal Code. In my – unauthorized – translation it will be something like:

" §202a. Any person who procure sexual intercourse or act for oneself or another person by giving or promising remuneration, will be punished for the buying of sexual services with fines or imprisonment up to 6 months, or both. One is liable to the same punishment if the sexual act or intercourse is obtained by another person's remuneration."

The basic elements, as far as I see it, are these:

- This is, basically, a blueprint of the Swedish law. One will not follow the Finnish model, making a distinction between forced and voluntary prostitution (in Finland the client can be punished only if the person selling sexual services is a victim of trafficking or other kinds of force/ exploitation).

- Premeditation is enough to be punished; that is: it is enough to have made a deal to buy sexual services.
- One may be sentenced to prison up to 6 months, though it is obviously not the intention of the legislator to use imprisonment except for severe or repetitive cases (it has so far never been used in Sweden). But it is a provision that will give police the right to hold the person for questioning for a period of time and also several other legal means.

Other points of interest in the proposal:

- There is a discussion on what police methods can be used. The draft is not conclusive, but suggests that one – at a later stage – might introduce control of telecommunication. This means that the police can have information on a person's tele-traffic (phones and e-mail). We are heavily opposing this, because such a provision will be used to control the sex workers and would be a serious violation of their privacy.
- The Ministry states that the law should be seen as only one out of many measures to reduce prostitution and human trafficking and that one should not jeopardize the situation for those who sell sex. Therefore other measures, both to prevent buying, to change public attitudes and to strengthen social efforts for those who sell sex should be introduced. To achieve this the Ministry refers to Norway's Plan of Action against Human Trafficking (May be downloaded from <http://www.regjeringen.no/en/dep/jd.html?id=463>)
- There is an ongoing scientific mapping/research of the prostitution scene: the extent of demand and supply, the organisation of prostitution (also pimping and trafficking) and the sex worker's own views on their situation (regarding violence, health issues etc.). By doing this before the law is implemented you have a possibility to evaluate the effects of the law after some years. Sweden has been blamed for not having done that, neither before nor after their law. Documentation on the effects will be of use for evaluation and also for others considering such a measure. The assignment has been given FAFO (www.fafo.no Institute for Applied International Studies) in November last year. We are happy they had the task as they have made several excellent studies on trafficking issues. But we see that it's implementation is rather late as the scene is already changing.
- The costs of introducing a new law are not calculated. It is, however, very clear

that the legislator wants this law to be enforced – it should not be only a "symbolic law". It is therefore reasonable to ask what kind of priorities and economic consequences one can expect.

Background for the shift in Norwegian policies

There has, since the idea was introduced in the early 1980s, been a political majority against the criminalizing in Norway. One major reason for this has been that the health- and social services (including Pro Sentret) have advised not to criminalize. The main argument being the fear that such a law will jeopardize the health and safety of sex workers – driving the market underground. So, something has happened to change the political climate – mainly within the Socialist/Social Democrat movement. These are probably some factors:

- The visible prostitution scene – the streets – has changed considerably the last 3 years. Nigerian (and to some extent Bulgarian) women are dominating the street scene, and also sometime selling sex outside the traditional prostitution area. Most politicians (and also many others) assume that they are victims of trafficking, and are concerned: For the well being of the presumed victims, but also for the fear of organized crime. There might also be an element of xenophobia here. Though the total amount of sex workers have not increased dramatically, it is the nationality, skin-colour and visibility of the sex workers that has changed for the last years.
- Public nuisance issues have been a considerable part of the discussion. The "dignity and cleanliness" of our streets etc. is threatened, and introducing law and order seems to be the proper answer (This is – as most people know – a trend in many European cities). It is not only about sex workers, but also beggars, homeless people, unemployed migrants, people belonging to the roma community, drug users etc. The newspaper coverage of the Nigerian women in prostitution in Norway has been the theme for a master thesis in Sociology at the University of Bergen "Women who cross borders – black magic." It can be downloaded from our web site.
- Sweden has been very successful in lobbying for their model, claiming that it is a very effective instrument in fighting human trafficking, that public attitudes have changed in Sweden and that prostitution is diminishing.

What are the effects so far?

Among the sex workers there is quite a lot of anxiety, fear and insecurity of what the new law will bring. Many sex workers feel that the law is an attack on them and their rights – marginalizing them even more. Also quite a

few seem to think that the law will come into action very soon. A few (wrongly) assume that the law only will have an effect on migrant sex workers and their clients.

Many sex workers fear that violence will increase, as the decent, regular clients will withdraw from the visible market.

We have seen some cases of harassment on streetworkers that can be related to the debate and the expectation of a new law. There are traces of racism in some of these harassments.

As for planning for the future, the sex workers report different strategies:

- Some just wait and see, being uncertain how the law will be implemented. Or they just don't see that they have any options (like the i.v. drug users in the streets).
- Some work as hard as they possibly can for the time they have left until the law comes into action. Those are often migrants who have a clear goal for their savings – like earning money to set up a business, paying down on debts, supporting their families etc.
- Some prepare for sex work in another arena (indoor) or another country. We have noticed that sex workers that used to be only in the streets are now advertising on Internet too.
- Some look for alternatives to sex work. There is an increased demand for skills acquisition, job training and language courses.

As for the clients of sex workers, it is not easy to identify responses, except for discussions on a website on client-issues www.sexhandel.no. Most of the participants there look upon the new law as another confirmation of the marginalization of clients. Studies up to now say that few clients report that they will stop buying sex because of such a law.

What do we anticipate in the long run?

Looking at Swedish experiences, we can assume that the effect will depend very much on how the law is applied. The political signal to be read out of the draft, is that the law is expected to be enforced – it should not be a symbolic law. Also taking the debate this year into consideration, we can assume that there will be more policing in most places where prostitution takes place, both in-door and out-door. When a new law is introduced, the legislator will have a need to demonstrate that there is a shift in policy at this particular issue. As it will not be easy to apply the law effectively on clients (in Sweden only a few pr. thousands of the actual "crimes" are prosecuted), disturbing the market will possibly be a more likely approach from the police.

Also from the Swedish experience, we can assume that street-prostitution will diminish dramatically the first year and then slowly return. The sex workers remaining on the streets will probably be the ones who have few other options, like i.v. drug users and a few migrants. They expect to be more exposed to bad clients as the good clients either quit or go to more secluded arenas.

Many sex workers expect to be more dependent upon facilitators (landlords, organisers, advertisers, managers, pimps etc.). As mentioned before, quite a few are considering moving to the in-door scene and to use Internet for advertising. To do this they usually need the assistance from another person.

Some clients, probably the ones who have moral doubts about buying, will stop buying.

A more uncertain – but disturbing – perspective is that shift to restrictive legal strategies easily lead to more restrictive measures and attitudes in the long run. In my opinion, it is an unfortunate fact that so few decision makers have viewed the criminalization in a broader context, like the general criminal policy (what should be the grounds for (re)introducing legislative measures in the Penal Code, how do we relate to zero-tolerance policy, what should society's priorities be, how does these measures connect to other kinds of marginalizing groups of people etc.). We also notice that there is a discussion going on in Sweden to increase the level of penalty, on including the law on pimping in the trafficking regulations and on using the full range of penalties (= prison sentence). Also some of the arguments used are close to arguments on banning prostitution as such (both selling and buying).

What will Pro Sentret do?

The law will be a reality next year. On a short-term basis we are working to have provisions that are as little harmful as possible for the sex workers. We have argued for a "Finnish model", but realise that this is not what the legislator has proposed. We will also argue against any possible action that violates the integrity of sex workers – like communication control.

We also have to prepare for changes in the prostitution scene, and should be prepared to change our service accordingly. Having the experience from Sweden in mind, we probably have to focus less on the visible parts of the marked, more on indoor prostitution and on working on the Internet. To document changes will be a priority.

There is also a need to provide information on the effects of the law, as the sex workers themselves see it. We will focus on violence and health issues.

As we now see signs of harassment and further marginalization of sex workers, we also have to highlight human rights issues and legal support.

However, the debate has paved the ground for social measures too. We will work more on skills acquisition and alternative professional careers.

Lessons learned

I am quite sure this discussion will appear in several European countries. For those facing such discussions it can be useful:

- To make a clear distinction on trafficking and prostitution – also considering the Finnish model.
- To point out the lack of documentation of the effects (and costs) of the Swedish model.
- To point out the fact that most arguments in favour of such a law are of a principal nature, not considering the practical effects and costs and who is paying the price. I think the argument against criminalization that had the most impact is that the safety of sex workers will be at risk.
- Not to underestimate the fear of trafficking – also questioning if the Swedish model really is a good instrument in fighting human trafficking. There is no solid evidence of that.
- Not to underestimate the fear of "contamination of public places". Be aware that changes in the public prostitution scene with unfamiliar groups and approaches easily can trigger the demand for simple, restrictive measures. We have to consider how to deal with this.
- To consider what approaches to have on clients ("The convenient enemies").

Further reading

For an update on what is happening, Pro Sentret's web site will have information in Norwegian and English on the most important developments www.prosentret.no. For background information, we recommend the report given by a working group under the Norwegian Ministry of Police and Justice in 2004. The report on legal regulation of the purchase of sexual services in Sweden and the Netherlands can be downloaded in English at

http://www.regjeringen.no/en/dep/jd/Document_s-and-publications/Reports/Reports/2004/Purchasing_Sexual-Services.html?id=106214

And you are of course free to contact me or other staff at Pro Sentret at prosentret@sbj.oslo.kommune.no or phone + 47 23 100 200

The St. Pauli Protocol¹

Hamburg, Germany, April 2008

We, the participants of the 39th German Seminar on Prostitution² (Hamburg, 17-19 April 2008), active and former sex workers, representatives of sex workers' organisations, of migrants' organisations and other experts from Germany and Austria, emphasize that:

- In average, 60 to 80% of all sex workers in Germany and Austria are migrants³.
- Sex workers' human rights are a component of the universal human rights, independent of residential status, of nationality, cultural or religious background, of sexual orientation or identity.
- Sex workers – including migrants – should be active participants in every debate and decision regarding legislation, guidelines, working conditions and measures which regard their life, their work, their rights, and their health.

We are against every form of racism and discrimination and we demand a

¹ St. Pauli is a very well known red light district in Hamburg (where the declaration was first signed), famous for its bars and cabarets, street, brothel and window prostitution.

² Since the mid 1980's, Germany's sex workers' organisations carried out, twice a year, the 'Prostitutes' Congresses', with the participation of a majority of sex workers from all over Germany. By 2000 however, the majority of the participants were co-workers of German NGOs and GOs (Public Health care Services) dealing with issues around sex work. Therefore, there was a decision that, from that year onwards, it would take place only once a year, and would be called 'Seminar on Prostitution', an open space to discuss different issues on prostitution on national level. Since 2000 as well, organisations from Austria, the Netherlands, and Switzerland have been participating in the Seminars.

The seminars are organised by a different NGO every year, usually by one of the 10 NGOs who are members of the National Working Group on Prostitution (*Bundesweite AG-Recht Prostitution*): Hydra (Berlin), Nitribitt (Bremen), Cassandra (Nürnberg), Madonna (Bochum), Amnesty for Women/TAMPEP-Germany (Hamburg), Mimikry (Munich), Phoenix (Hannover), Kober (Dortmund), Mitternachtsmission (Dortmund), and Tamara (Frankfurt-Main).

The 2008 Seminar on Prostitution had a specific theme: **Sex Work and Migration**. It was organised in Hamburg by a pool of NGOs working with migrant women and (migrant) sex workers, three from Germany (Amnesty for Women/TAMPEP-Germany, Context, and Phoenix) and two from Austria (LEFO/TAMPEP-Austria, and maiz). The 2008 Seminar on Prostitution was attended by 60 participants from Germany and Austria.

³ There are regional fluctuations and differences (TAMPEP Final Reports 2005, 2007. www.tampep.eu)

respectful treatment with the existing differences and similarities in the area of sex work. We value the variety of life realities and we resist being used and being perceived as victims.

We demand the recognition and the implementation of the **Human, Labour and Migration Rights of Sex Workers** as formulated in the Brussels Declaration of 2005⁴. We specially underline the following:

- The right of (migrant) sex workers to comprehensive, holistic and low-threshold access to general health care, including prevention, testing and treatment,
- The right to have access to culturally and linguistically adequate information which (migrant) sex workers need and which empower them and guarantee their rights,
- Equal labour rights for (migrant) sex workers, free choice of work place and fair working conditions, with a correspondent work and residence status.

The internationalisation of sex work demands anti-racist and intercultural competences in the counselling and support activities. **Cultural Mediation** is in this context a fundamental prerequisite, which includes qualification and experience. It is essential to recognise such expertise and to ensure equal work opportunities for migrants and/or sex workers – also as experts within GOs and NGOs – and to guarantee their adequate remuneration.

To enable this, it is fundamental that the financial support for counselling centres for (migrant) sex workers is guaranteed.

We, the undersigned, commit ourselves to implement these principles in our work and activities and demand all actors to support the **St. Pauli Protocol**.

this&that

Sex workers have lust... of rights

LEFÖ/TAMPEP-Austria is carrying out in 2008, as it did in 2007, an advocacy campaign for the rights of (migrant) sex workers in the whole country. The campaign started on March 8th, the International Woman's Day and ends on June 2nd, the International Sex Worker's Day. This year, because of the European Soccer Championship, the campaign will be extended until June 29th.

The campaign includes discussions, films, street activities, etc. For more information: <http://www.lustaufrechte.at/>



International meetings

■ The high-level meeting on a comprehensive review of the progress achieved in realizing the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS, to be convened on 10 and 11 June 2008 at the UN in New York

More than 690 NGO representatives will be participating at the meeting on the review of the UNGASS declaration. NGOs, Sex Workers Organisations and Sex Work Projects will participate at the meeting. Two TAMPEP network members will be delegates: **Act-Up/Greece** and **Roskos bez Rizika/Czech Republic**. We are sure that these two voices will be very strong for sex workers human rights' protection...

■ XVII International AIDS Conference
3-8 August 2008, Mexico City
www.aids2008.org

Many TAMPEP members organisation will be presents at the AIDS Conference. We will diffuse our materials and contents as usual among the participants.

The TAMPEP Network

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⁴ Declaration of the Rights of Sex Workers in Europe,
www.sexworkurope.org

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