

**To:** Secretariat  
**United Nations Committee**  
**on the Elimination of Discrimination against Women (CEDAW)**

Office of the United Nations High Commissioner for Human Rights  
UNOG-OHCHR  
CH-1211 Geneva 10 (Switzerland)  
Electronic Submission: [cedaw@ohchr.org](mailto:cedaw@ohchr.org) (PDF File)

*SUPPLEMENT TO SHADOW REPORT*

**CC:** Dr. Nils Muižnieks  
**European Commissioner for Human Rights**  
Council of Europe, Strasbourg, France  
Electronic Submission: [commissioner@coe.int](mailto:commissioner@coe.int) (PDF File)

**SEX-WORKER FORUM OF VIENNA, AUSTRIA**

***HUMAN RIGHTS OF SEX WORKERS IN EUROPE***  
***A Survey and Critical Analysis***



Vienna, at 15.12.2012

---

Bericht von Sexworker Forum Wien zur Situation der  
Menschenrechte von Sexarbeitern in Europa

**German Abstract**

**Menschenrechte von Sexarbeitern in Europa**

Zuletzt wurde 2007 und 2008 von der parlamentarischen Versammlung und dem Ministerrat des Europarates die Situation der Sexarbeiter in Europa untersucht. Die Empfehlungen wurden jedoch nicht umgesetzt, weil die unterschiedlichen Prostitutionsgesetze gegensätzliche Konzepte umsetzen, die keine Harmonisierung erlauben. Die negativen systematischen Auswirkungen dieser Gesetze für Sexarbeiter, wie z.B. Folter und Vergewaltigung durch Polizeibeamte, Schutzgelderpressung durch Polizeibeamte, oder mutwillige Verbreitung von sensiblen Daten durch Polizeibeamte, blieben dadurch bestehen. Einen wirksamen Schutz von Sexarbeitern gegen sexuelle Ausbeutung gibt es dadurch ebenfalls nicht, weil im Gegenteil gerade Sexarbeiter ohne Zuhälter solchen Übergriffen ausgesetzt sind.

Sexarbeiter werden dadurch fast überall in Europa faktisch kriminalisiert und überall in Europa sozial ausgegrenzt und stigmatisiert. Stigmatisierung nimmt den Betroffenen die Möglichkeit, ohne nachteilige Konsequenzen auf erlittenes Unrecht hinzuweisen. Der Autor, das Sexworker-Forum überwindet dieses Hindernis durch die Verwendung moderner Medien, um Sexarbeiter insbesondere über die Internet-Plattform [www.sexworker.at](http://www.sexworker.at) zu vernetzen. Nach einer Verifizierung ihrer Real-Identität haben Sie in einem für die Öffentlichkeit unzugänglichen Bereich die Möglichkeit, authentische Informationen über ihre Lebenssituation ohne Sorge vor nachteiligen Konsequenzen preiszugeben. Weitere Quellen sind Medienberichte,

wissenschaftliche Publikationen, die vor allem im medizinischen Bereich über die Situation von Risikogruppen für HIV entstanden sind, Schattenberichte von Menschenrechtsorganisationen an die Organe der Vereinten Nationen, und Regierungsberichte, insbesondere des US Department of State.

**Nach diesen Berichten wurden seit 2005 in 23 der 47 Staaten des Europarates, darunter Deutschland, Österreich und Schweiz, gravierende Verletzungen von Menschenrechten durch Polizeibeamte beobachtet (Vergewaltigungen, Folter, Mobbing in den Selbstmord, Entführungen, Erpressung, Zuhälterei) und in acht Staaten unzureichender gesetzlicher Schutz (vor Mord, vor sexueller Ausbeutung, vor gewalttätigen Kunden).** Alleine in neun urbanen „Hotspots“ sind zumindest 51% der dortigen Sexarbeiter Opfer von Polizeiübergriffen. Nur aus 16 Staaten mit 15% der europäischen Bevölkerung gibt es keine derartigen Berichte.

Das *Sexworker-Forum*, ist ein internationaler Verein mit Sitz und Registrierung in Wien, der sich für die Achtung der Menschenrechte der erwachsenen Frauen, Männer und transsexuellen Personen im Umfeld der freiwilligen und selbstbestimmten Sexarbeit einsetzt.



## 0. EXECUTIVE ABSTRACT

### 0.1 Summary

European mainstream policies still perceive prostitutes as the female counterparts of the “born criminal” (citation: note 1), whom prohibitionists criminalized by way of precaution, abolitionists severely restricted in their public activities, and regulationists registered and scrutinized by police. Civil society perceived sex workers with “feelings of abhorrence, astonishment, incomprehension and fascination” (citation: note 2), but was not interested in entering into a dialogue with them. In the course of the HIV pandemics there has been a revision of the appreciation of sex work. UNAIDS put forward the consensus that sex workers are a marginalized population in need for the protection of the law (reference: note 3). This insight was based on epidemiological research, according to which societal factors, such as gender discrimination, violence, exploitation, *and de facto* criminalization, make sex workers vulnerable to HIV. For these factors restrict their access to health services (reference: note 4), which in turn translates into negative health and economic repercussions to society at large.

<sup>1</sup> *Lombroso / Ferrero, Criminal Woman, the Prostitute, and the Normal Woman* (Translation). Duke University Press, 2004

<sup>2</sup> *VanWasenbeek, Annual Review of Sex Research, 12/2001, pp 242 ff*

<sup>3</sup> *UNAIDS. Guidance Note on HIV and Sex Work. Joint United Nations Program on HIV/AIDS, Geneva, 2009*

<sup>4</sup> *UNAIDS. Global report: UNAIDS report on the global AIDS epidemic, Geneva, 2010*

This survey investigates the extent, to which the protection of the law for sex workers has been implemented in Europe. In view of the existence of a regional instrument for human rights protection, the *European Court of Human Rights* (ECtHR) established under the *European Convention on Human Rights* (ECHR), one should expect a high level of protection. **However, this is not the case: In 31 of 47 Council of Europe member states there are deficiencies in the protection of the human rights of sex workers against state actors.**

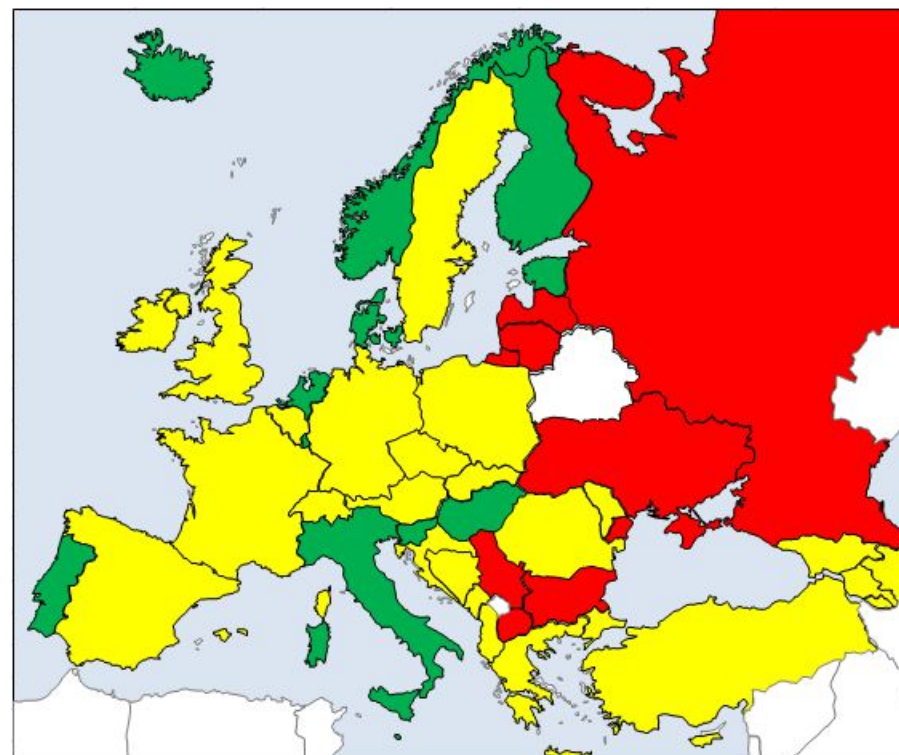
This submission maps the human rights situation of sex workers in Council of Europe. It is based on publications and media reports since 2005. The focus is on criminal acts of the utmost gravity (e.g. systematic rape, torture, murder) by state actors against sex workers.

- **For 23 of 47 Council of Europe member states there are reports about such serious problems:** Albania, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, France, Germany, Latvia, Lithuania, Macedonia, Poland, Russian Federation, Serbia, Slovak Republic, Spain, Sweden, Switzerland, Turkey, Ukraine, and United Kingdom.
- **For 8 states there are reports about lacking protection and similar problems due to legal deficiencies:** Armenia, Bosnia and Herzegovina, Georgia, Greece, Ireland, Montenegro, Republic of Moldova, and Romania.
- For 16 states no problems were reported in international media. The countries are Andorra, Denmark, Estonia, Finland, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, and Slovenia.

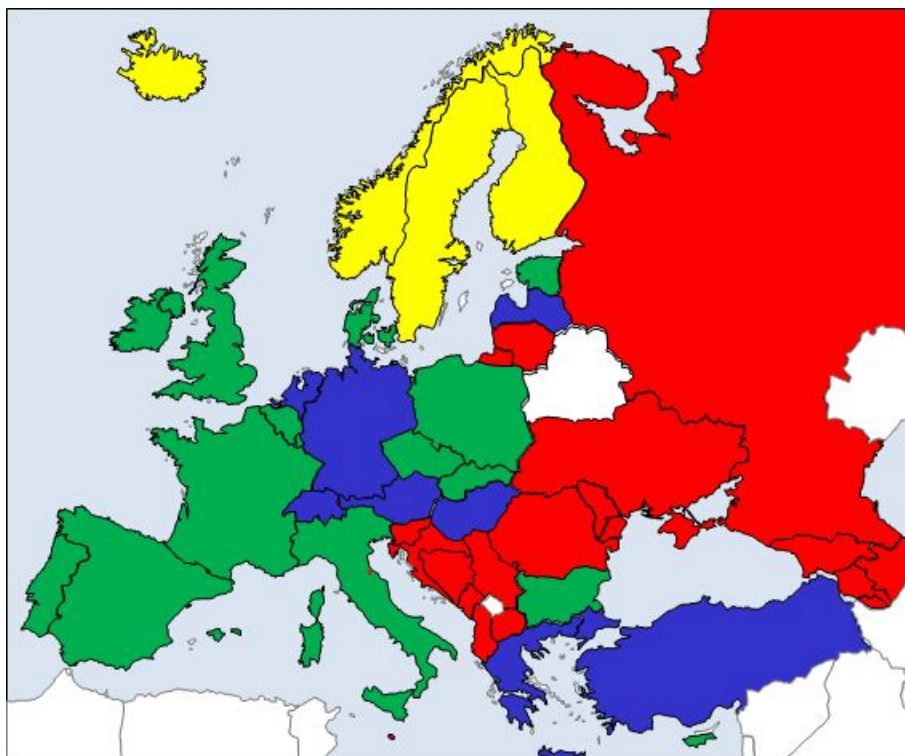
## 0.2. Summary Maps



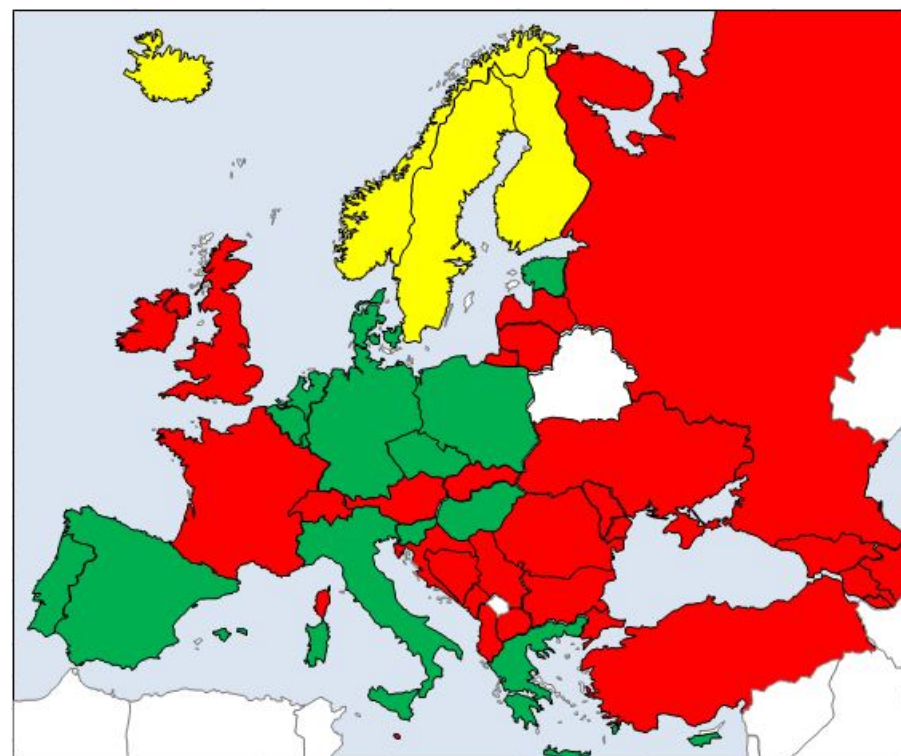
[www.sexworker.at](http://www.sexworker.at)



**Figure 1:** Council of Europe, human rights deficiencies with respect to sex work  
Color code: GREEN no reports about human rights deficiencies  
YELLOW: reports about serious incidences or structural problems  
RED: quantitative data available, demonstrating high frequency of serious incidences  
WHITE: not a Council of Europe state, contested international status, or irrelevant (being part of a country mapped)  
“Background Information” for sources and explanations and “Country Experiences and Data” for raw data; the maps cut off the Eastern part of Russia.



**Figure 2:** Council of Europe, legal regulations of sex work  
Color code: green abolitionism, red prohibitionist approaches,  
yellow neo-abolitionism, blue regulatory approaches



**Figure 3:** Council of Europe, implementation of legal regulations  
Color code: green liberal, yellow neo-abolitionism, red conservative

## 0.3. Summary Tables

Member State	Legal Approach	Implementation	Human Rights
Albania	prohibitionist	conservative	deficiency
Andorra	prohibitionist	conservative	no reports
Armenia	prohibitionist	conservative	deficiency
Austria	regulationist	conservative	deficiency
Azerbaijan	prohibitionist	conservative	deficiency
Belgium	abolitionist	liberal	deficiency
Bosnia & Herzegovina	prohibitionist	conservative	deficiency
Bulgaria	abolitionist	conservative	deficiency
Croatia	prohibitionist	conservative	deficiency
Cyprus	abolitionist	liberal	deficiency
Czech Republic	abolitionist	liberal	deficiency
Denmark	abolitionist	liberal	no reports
Estonia	abolitionist	liberal	no reports
Finland	neo abolitionist	liberal	no reports
France	abolitionist	conservative	deficiency
Georgia	prohibitionist	conservative	deficiency
Germany	regulationist	liberal	deficiency
Greece	regulationist	liberal	deficiency
Hungary	regulationist	liberal	no reports
Iceland	neo abolitionist	liberal	no reports
Ireland	abolitionist	conservative	deficiency
Italy	abolitionist	liberal	no reports
Latvia	regulationist	conservative	deficiency
Liechtenstein	prohibitionist	liberal	no reports

Member State	Legal Approach	Implementation	Human Rights
Lithuania	prohibitionist	conservative	deficiency
Luxembourg	abolitionist	liberal	no reports
Macedonia, FYR	prohibitionist	conservative	deficiency
Malta	abolitionist	conservative	no reports
Monaco	prohibitionist	liberal	no reports
Montenegro	prohibitionist	conservative	deficiency
Netherlands	regulationist	liberal	no reports
Norway	neo abolitionist	liberal	no reports
Poland	abolitionist	liberal	deficiency
Portugal	abolitionist	liberal	no reports
Republic of Moldova	prohibitionist	conservative	deficiency
Romania	prohibitionist	conservative	deficiency
Russian Federation	prohibitionist	conservative	deficiency
San Marino	prohibitionist	liberal	no reports
Serbia	prohibitionist	conservative	deficiency
Slovak Republic	abolitionist	conservative	deficiency
Slovenia	prohibitionist	liberal	no reports
Spain	abolitionist	liberal	deficiency
Sweden	neo abolitionist	liberal	deficiency
Switzerland	regulationist	conservative	deficiency
Turkey	regulationist	conservative	deficiency
Ukraine	prohibitionist	conservative	deficiency
United Kingdom	abolitionist	conservative	deficiency

**Table 1:** Summary of country situations

(deficiency = there are reports about problems or about serious problems)

Urban Hot Spots of Human Rights Violations	Country	lower estimates (police violence)			population	sex workers	victims (sex workers)		
		brutality	rape	extortion			brutality	rape	extortion
Belgrade	<i>Serbia</i>	29%	40%	29%	1.6 million	5,600	1,624	2,240	1,624
Bratislava	<i>Slovak Republic</i>	0%	14%	n.a.	0.5 million	1,750	0	245	n.a.
Kiev	<i>Ukraine</i>	66%	26%	18%	2.6 million	9,100	6,006	2,366	1,638
Moscow, St. Petersburg	<i>Russian Federation</i>	29%	29%	61%	20.1 million	70,350	20,402	20,402	42,914
Riga	<i>Latvia</i>	24%	10%	24%	0.7 million	2,450	588	245	588
Skopje	<i>Macedonia, FYR</i>	84%	61%	42%	0.5 million	1,750	1,470	1,068	735
Sofia	<i>Bulgaria</i>	39%	4%	9%	1.2 million	4,200	1,638	168	378
Vilnius	<i>Lithuania</i>	4%	0%	60%	0.8 million	2,800	112	0	1,680
<b>Sum</b>					28.0 million	98,000	31,840	26,733	49,557
					percent	100%	32%	27%	51%

**Table 2:** Estimate of the number of sex workers in “hot spots”, victimized each year by torturous acts of police officers.

Statistical data about police brutality are from the country reports (appendix), whereby the table uses the lower estimates (95% significance). The “hot spots” were selected, because empirical studies collected data from these urban areas and these data showed a significant level of police brutality.

The number of sex workers is estimated as 1.4% of adult women in the reproductive age (section Sex Work Statistics), i.e. 0.35% of the urban population. This estimate is conservative, as also within countries sex workers tend to migrate to urban centers.

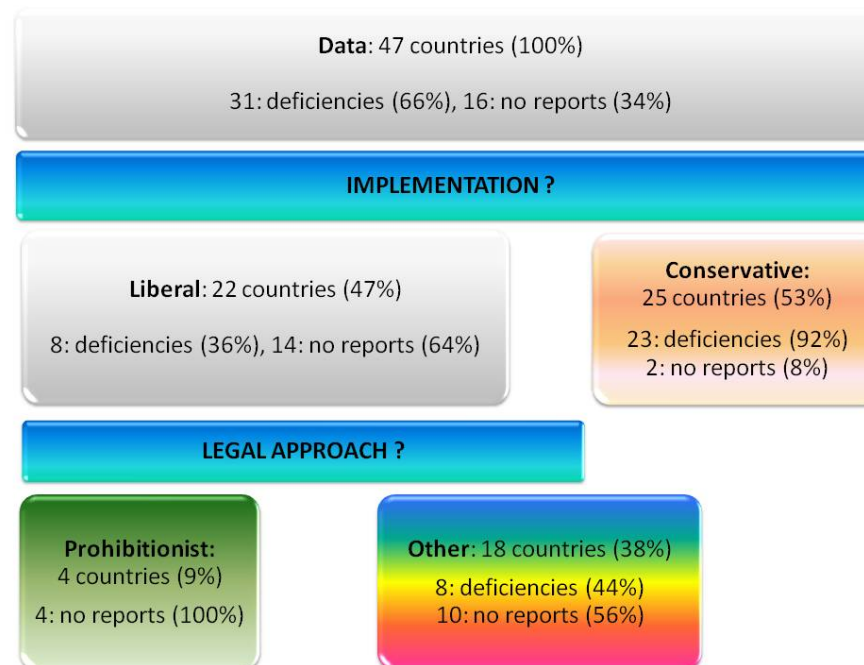
Country	distrust	trust
<i>Azerbaijan</i>	17%	72%
<i>Bulgaria</i>	60%	7%
<i>Czech Republic</i>	38%	26%
<i>Latvia</i>	62%	7%
<i>Lithuania</i>	86%	0%
<i>Macedonia, FYR</i>	84%	0%
<i>Poland</i>	17%	35%
<i>Russian Federation</i>	48%	25%
<i>Serbia</i>	69%	0%
<i>Slovak Republic</i>	44%	18%
<i>Ukraine</i>	66%	4%

**Table 3:** Distrust and trust of sex workers in police

Distrust: Sex workers would not report violence to police as they fear additional maltreatment by police (lower bound at 95% level of significance)

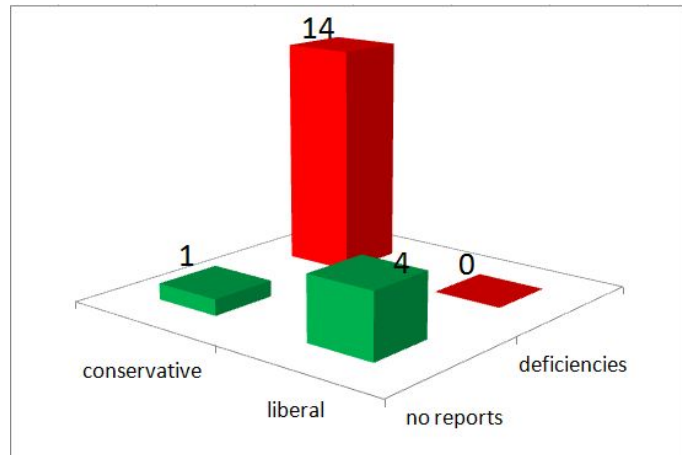
Trust: Sex workers, would consider to report (lower bound at 95% level of significance)

### 0.4. Summary of Correlations

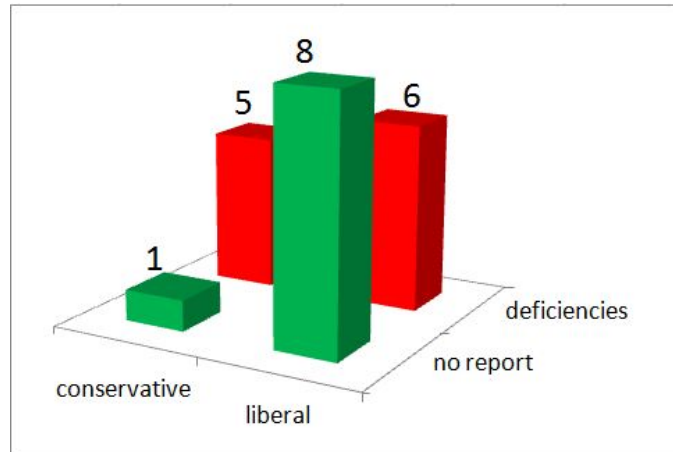


**Figure 4:** Classification tree explaining human rights deficiencies (reports about problems or serious problems) of legal approaches and their (local) implementation: 88% specificity (countries with no reports are correctly identified as such), 75% sensitivity (countries with deficiencies are correctly identified as such).

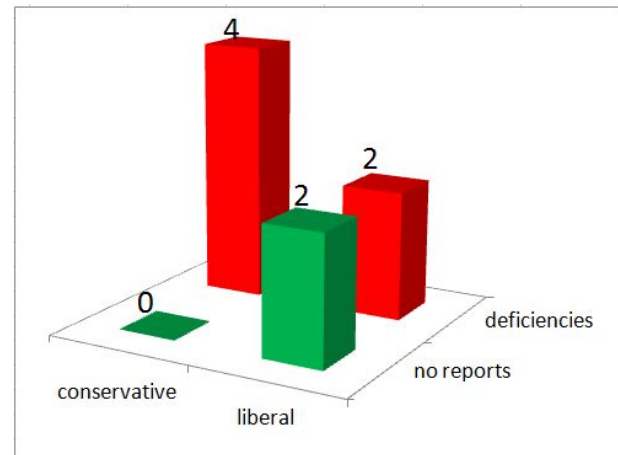




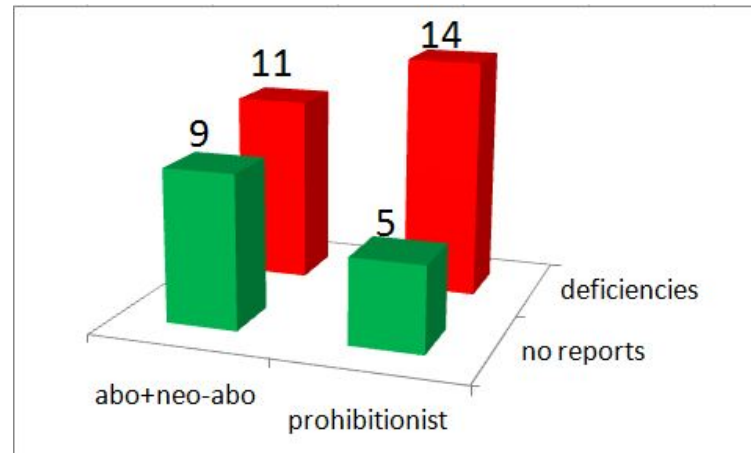
**Figure 5:** Contingency table for problems (including serious ones) with prohibitionist approaches (**significant contingency**, i.e. with 95% significance, human rights deficiencies depend on policy implementation)



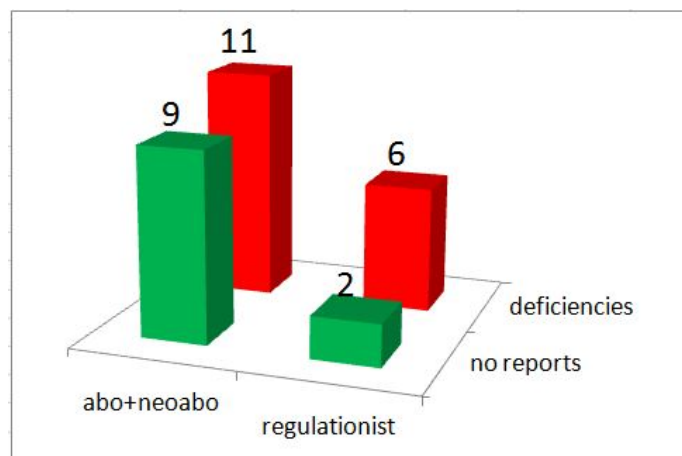
**Figure 6:** Contingency table for problems with abolitionist and neo-abolitionist approaches (at 95% significance level, independence of reports about deficiencies and implementation cannot be refuted)



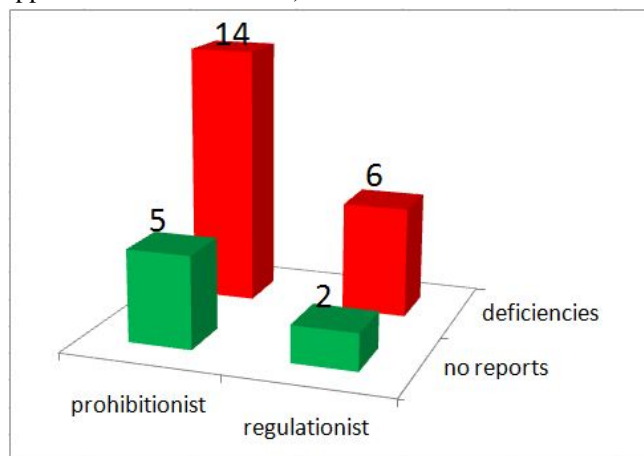
**Figure 7:** Contingency table for problems (including serious ones) with regulatory approaches (at 95% significance level, independence of reports about deficiencies and implementation cannot be refuted)



**Figure 8:** Contingency table to compare abolitionist and prohibitionist approaches (at 95% significance level, independence of reports about deficiencies and legal approach cannot be refuted)



**Figure 9:** Contingency table to compare regulationist and abolitionist approaches (at 95% significance level, independence of reports about deficiencies and legal approach cannot be refuted)



**Figure 10:** Contingency table to compare regulationist and prohibitionist approaches (at 95% significance level, independence of reports about deficiencies and legal approach cannot be refuted)

## 1. BACKGROUND INFORMATION

### 1.1. Author and Sources

Sex-Worker Forum is an international incorporated non-governmental not-for-profit organization, chartered at Vienna, Austria, under registration number 699583522. The Forum works to protect and promote the human rights of adult women, men and transgender persons in voluntary sex work, with a particular focus on the German speaking countries and regions.

Stigmatization of sex workers is an obstacle in obtaining reliable information about the actual situation in sex work, as outing could lead to the loss of a decent job. Sex-Worker Forum overcomes this hurdle by using modern media, connecting sex workers internationally through the multilingual Internet platform [www.sexworker.at](http://www.sexworker.at). There, in an area closed to the public, sex workers, whose real identity is verified but not disclosed, are offered a medium where they can provide authentic information.

This submission is based on this knowledge and has been written and discussed in the internal area by the sex workers of the internet platform. The final form was then approved by the board of Sex-Worker Forum. However, to protect the identity of respondents and contributors, the report refers to material from the public domain.

Empirical evidence comes from government documents, scholarly research, media reports, and submissions by NGOs to United Nations human rights instruments. A main source of quantitative data was a

study by Open Society Foundation about CEE/CA countries interviewing sex workers from Bulgaria, Czech Republic, Latvia, Lithuania, Macedonia, Poland, Russia, Serbia, Slovak Republic, and Ukraine (references: note 5). Further, for each country the human rights reports by US Department of State were screened and for several countries, there exists an analysis by TAMPEP (source: note 6).

### 1.2. Classification of Sex Work

The term *sex work* has a broad meaning. For this submission, which focuses on prostitution laws, it refers to sexual behavior of consenting adults (age over 18), which involves physical contacts in exchange for monetary gains. This approach is consistent with the recent survey by United Nations Development Programme (UNDP) about legal regulations of sex work in the Asia-Pacific region (reference: note 7).

This paper follows UNDP and distinguishes three types of voluntary sex work of adults:

- In *commercial sex work*, service providers identify themselves as sex workers, who earn their living by providing direct, formal and open sexual services to persons, such as in street prostitution or brothels, in many countries illegally so.

---

<sup>5</sup> *Crago/Rakhmetova, Arrest the Violence – Human Rights Abuses against Sex-Workers in CEE/CA*, Open Society Foundation, Budapest, 2009.

<sup>6</sup> *TAMPEP, Sex Work – Migration – Health*, Amsterdam, 2009.

<sup>7</sup> *UNDP, Sex Work and the Law in Asia and the Pacific*, New York, 2012. Joint publication with UNAIDS and UNFPA

- In *indirect sex work* service providers usually do not rely on sex work as primary source of income, working e.g. in massage parlors. They offer their sexual services clandestine. This includes also a grey area of commercial sex work under legal fictions (e.g. they do not offer sex but time, whereby sex may happen) to cope with the restrictions by prostitution laws. This is also an issue for sexual assistants in support of handicapped persons.
- *Sex work in the private* was used by UNDP as a key indicator for the legal situation of sex workers. Although *de iure* in European Council countries sex life with merely occasional provision of sex for money qualifies as private life under the ambit of Article 8 ECHR (case law: note 8), *de facto* it may be criminalized. In this report, private sex work means certain forms of private sex life, which may have a commercial appearance, but no commercial substance (example: note 9).

There are various other classifications, identifying up to 25 types of sex work (reference: note: 10). They reflect the preferences of the service providers worldwide and the adaptive strategies of the sex industry to open up legal loopholes. Thereby, laws may pressure sex

---

<sup>8</sup> In Common Law the intrinsic private life character of sex work has always been accepted (*Chamallas*, Southern California Law Review, 61/1988, pp 777 ff). Under ECHR, where sexual behavior is not commercial, e.g. not visible in the public, it is private life (c.f. *Wildhaber/Breitenmoser*, Internationaler Kommentar zur Europäischen Menschenrechtskonvention: Kommentierung des Artikels 8, Cologne 1992, margin no 114). In Austria, Constitutional Court and Administrative Court derived private life protection of private sex work from Article 8 ECHR.

<sup>9</sup> The well-known case of late *Alexandra Sprüngli* illustrates an instance of non-commercial sex work: After the death of her husband, from whom she inherited about 4 million Euro, she developed her sexual self in sex work, till she married a chocolate industrialist (*Lüchinger*: Kampf um Sprüngli, Zürich 1993).

<sup>10</sup> *Harcourt/Donovan*, Sexually Transmitted Infections, 81/2005, pp 201 ff

work to become less visible, but experience shows that they cannot curb it. Further, women with a preference for certain forms of sex work (e.g. street prostitution allows for a flexible time management) might not move to other legal alternatives, even if they risk fines.

### **1.3. Sex Work Statistics**

Taking all forms of sex work together, in Europe without the former Soviet Union about 1.4% of adult women in the reproductive age are in voluntary sex work. For former Soviet Union this estimate is 1.5%, for Asia 2.6%, for sub-Saharan Africa 4.3% and for Latin America 7.4% (references: note 11). Translated into absolute numbers, in Europe about 2.8 million women in sex work generate about 22 billion Euros annually for themselves, which otherwise would have to be drawn from over-strained social security budgets (references and explanation: note 12). This estimate is conservative and it does not consider possible income of sex workers generated for others (comment: note 13).

---

<sup>11</sup> *Vandepitte et al*, Sexually Transmitted Infections, 82/2006, Suppl 3, pp 18 ff. In urban centers the numbers are higher, in rural areas lower by the factor of 10.

<sup>12</sup> In view of the above estimate, amongst 800 million people there are 50% women, of them 50% adult and in the reproductive age, and of them 1.4% in sex work. Further, according to data from USA and Germany, in the average a commercial sex worker may have in average 3 clients per working day (see *Brewer et al.*, Proceedings National Academy of Sciences USA, 97/2000, pp 12385 ff, *Kleiber/Velten*, Prostitutionskunden: Eine Untersuchung über soziale und psychologische Charakteristika von Besuchern weiblicher Prostituiertes in Zeiten von AIDS, German Federal Ministry for Health, 1994). With 5 days a week, 3 weeks a month, 12 month a year and 15 €per client this results in 22.6 billion Euro.

<sup>13</sup> Other sources estimated alone for Spain prostitution-generated revenues of 18 billion Euros (“Taipei Times” of 06.09.2009).

Amongst these 2.8 million women in sex work there are 7.5%, who may be victims of sexual exploitation. This follows from recent estimates by International Labor Organization (ILO) that in Europe there are between 1.5 (EC) and 4.2 (CEE) forced laborers per 1,000 inhabitants; 22% of them are sexually exploited, with 21% children and 79% adults (source: note 14): For 800 million Europeans the lower ILO estimate amounts to 1.2 million persons in forced labor, of whom 210,000 adult persons (mostly women) are sexually exploited. Further, there are 55,000 sexually exploited children. This estimate is conservative. In CEE countries with higher levels of forced labor also sexual exploitation by private persons may reach levels of more than 20%. (To this, there comes extortion by state actors, which is by far the larger problem, see table 2.)

#### 1.4. Legal Terms

As this classification indicates, a key concern of this report is police harassment against sex workers, whereby sexual violence is a key concern. In particular, torturous acts against women typically involve a sexual component and the importance of identifying gendered forms of torture is generally accepted (reference: note 15).

This submission uses the following terms, as they are used in this form in the sources from scientific literature, too:

- By *torturous acts* this report means acts or omissions that may violate the prohibition of torture or cruel or inhuman or degrading

---

<sup>14</sup> ILO, *Global Estimate of Forced Labour – Results and Methodology*, Geneva, 2012.

<sup>15</sup> Edwards, *Leiden J. International Law*, 19/2006, pp 349 ff.

treatment or punishment, whereby the considered acts are manifest private life intrusions, at least (clarification: note 16).

- By *sexual violence* this report means torturous acts in the context of sexual life, such as rape and forced nudity. Thereby, in the context of the present report, these are not defined through national law, but through international law, namely the relevant clauses of the Elements of Crimes under the Statute of Rome of the International Criminal Court (definitions: note 17).

---

<sup>16</sup> This refers to the International Convention against Torture, to Article 7 of the International Covenant on Civil and Political Rights, to Article 3 of the European Human Rights Convention, and with respect to evidently unlawful or unreasonable private life violations to Article 17 International Covenant on Civil and Political Rights, and to Article 8 European Human Rights Convention.

<sup>17</sup> The definitions of rape and sexual violence are from Document ICC-ASP/1/3 of 09.09.2002 at the International Criminal Court, The Hague.

- **Rape:** The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.
- **Other sexual violence:** The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
- **Forced nudity** is a particular instance of sexual violence, where the said act is nudity, i.e. being naked or dressed in underwear or lingerie in the presence of a fully dressed perpetrator.

- The key features of sexual violence are violations of the sexual integrity of the victim and absence of *genuine consent*, by which this report means consent through an “agreement by choice when having the freedom and capacity to make that choice” (sources: note 18). For instance, if a police officer obtains free sex from a sex worker, because he threatens her with arrest, then her consent is not genuine (comment: note 19). Consistently with this definition, footnote 20 of the Elements of Crimes explains that “genuine consent” does not include consent obtained through deception.
- Thereby, also the suffering from “merely” mental pain may reach the threshold of severity that is characteristic of torture by physical pain. This view is supported by research in forensic psychiatry (reference: note 20).

---

<sup>18</sup> This definition of consent is from Parliamentary Assembly of the Council of Europe, document 12013 of 14.09.2009 at § 5.2.2. Other relevant authorities are Committee of Ministers of the Council of Europe, document Rec/2002/5, appendix at § 35, and Parliamentary Assembly of the Council of Europe, recommendation 1777/2007 at § 6.2.6, and recommendation 1887/2009.

<sup>19</sup> For a similar situation, see ICTY Appeals Chamber, *Prosecutor v Kunarac, Kovač & Vuković*, IT-96-23 of 12.06.2002 at §§ 151, 218 concerning witness D.B, who allegedly „seduced“ Kunarac.

<sup>20</sup> *Basoglu / Livanou / Crnobaric*, *Archive General Psychiatry*, 64/2007, pp 277 ff

## 2. ANALYSIS OF COUNTRY EXPERIENCES

### 2.1. Considered Problems and Assessment Method

This survey classifies reports from European countries about the situation of sex workers and maps *deficiencies* in human rights protection of sex workers (figure 1, table 1). The considered reports are from 2005. The country information indicates for each country the character of the available data as follows:

- Evidence about *serious problem* concern human rights violations of sex workers or women suspected of sex work by state actors, mostly police officers. For instance, this survey takes note of torture, of physical assaults, of rape or gang-rape, of kidnapping for the purpose of trafficking, of extortion, of leaking confidential information to bully sex workers into suicide, or of harassments of a similar grave nature.
- Evidence about *problems* concern situations, where European states systematically deny protection against hate murder, violence by clients or exploitation (trafficking pimping). If state policies do not only fail to protect, but actually are a direct or indirect cause for such acts, this is classified as a serious problems.
- For several states there are *no reports*. This is not necessarily due to their respect for human rights, but often these countries are just too small or they have not yet developed democratic traditions, whence they lack vigilant civil society organization that bring human rights violations to the international attention.

As to the weighing of the evidence:

- The classification focuses on the severity of reported crimes. It does not distinguish, if state actors committed such crimes in official capacity or as private persons, as media sources did not make such a distinction, either.
- Further, each single such act fundamentally destroys trust into democratic institutions. Therefore, and as there are no data, the survey does not weigh evidence by the frequency of similar incidences. Where there are quantitative data, they are reported for informative purposes.
- In view of this lack of quantitative data, the statistical analysis considers only, if there are reports about deficiencies (problems or serious problems), or not. This accepts that in some countries horrible acts may rather be singular incidents. However, each such incident indicates a more systematic structural problem. For instance, already the very selection of state officials should aim at preventing habitual rapists from becoming police officers. Further, perpetrators often are protected by *esprit de corps*, whence for each reported case there is a multitude of similar but concealed cases. The most extreme case of cover-up considered in this survey concerns the torture and forced labor of about 30,000 women in Irish Magdalene laundries, which continued and remained undetected over a time span of 75 years (see appendix, Ireland).

In addition, there are the well known problems of discrimination, stigmatization, and social exclusion of voluntary sex workers. These problems prepare the ground for maltreatment as well as for unfair

working conditions and exploitation. However, as these problems occur in all European countries, they are not specifically investigated.

## **2.2. Classification of Legal Regulations**

In 2007 and 2008 the Parliamentary Assembly of the Council of Europe investigated the situation of sex work in Europe (reference: note 21). It distinguished four legal approaches, abolitionism, prohibitionist approach, neo-abolitionism, and regulatory approach. Figure 2 and table 1 inform about the present situation.

These legal approaches can be characterized as follows:

- *Prohibitionist approach*: This approach prohibits prostitution, penalizes pimps and procurers through criminal law, and penalizes sex workers for violations of administrative regulations (some countries: criminal law), but does not necessarily penalize clients. As can be seen from figure 2, this system is typical for the former Eastern Bloc.
- *Abolitionism*: This approach seeks to abolish prostitution by criminalizing procurers and pimps rather than sex workers. In particular, sex work in the private is not prohibited, though in most countries not explicitly permitted, either. This approach is common in Western Europe and typical for common law systems all over the world.

---

<sup>21</sup> *PACE*, Prostitution – Which stance to take? Recommendation 1815 (2007), Document 11352 of 09.07.2007 and reply by the Committee of Ministers, Document 11641 of 17.06.2008.

- *Neo-Abolitionist approach*: This approach prohibits prostitution by penalizing clients, pimps and procurers, but not sex workers. This system is characteristic for the Scandinavian countries.
- *Regulatory approach*: This approach does not prohibit sex work, but aims at regulations, which allow also certain organizational forms (brothels). However, sex workers are penalized for violations of these regulations. Pimps and procurers may be penalized, too, but clients not necessarily. This system is common in countries with legal brothels.

In addition, this report considers the implementation dimension, which strongly depends on local factors and policies.

- For instance, there are a few countries, where commercial sex work is considered a legitimate activity (reference: note 22). In others, authorities do not perceive sex work as legitimate, but rather consider it a social problem or even a crime, entangled with drugs, sexual exploitation and trafficking, illegal immigration and poverty. As a consequence, in these countries sex workers are not perceived as part of civil society and even if sex work is not criminalized, authorities may treat sex workers like criminals.
- Conversely, in countries, where sex work is criminalized, authorities may ignore it, as long as it does not cause public nuisance.

---

<sup>22</sup> The classification of sex work as labor was accepted by European Court of Justice, *Jany et al v Justitie*, C-268/99 of 20.11.2001. Federal Court of Switzerland held prostitution to fall under the basic right to pursue a profession and to make earnings, whence legislature cannot totally ban prostitution. Also Constitutional Court of Austria declared a sweeping prohibition of prostitution within city limits as unlawful and a total ban on advertisements for brothels as unconstitutional.



The report therefore distinguishes a *liberal implementation*, where at least sex work in the private is tolerated and also feasible (neo-abolitionism is liberal in this respect), and a *conservative implementation*, where sex work is severely restricted, as for instance all forms of soliciting are prohibited and this prohibition is strictly enforced. The focus rests on the frequency of police encounters that sex workers have to expect due to the implementation.

Figure 3 and table 1 summarize the available information, as drawn from country reports (appendix). Overall, Europe is split between 22 liberal or neo-abolitionist and 25 conservative implementations of the prostitution laws. This results in the following classification of European Council Member States:

- 15 countries follow a conservative prohibitionist approach, namely Albania, Andorra, Armenia, Azerbaijan, Bosnia & Herzegovina, Croatia, Georgia, Lithuania, Macedonia, Montenegro, Republic of Moldova, Romania, Russian Federation, Serbia, and Ukraine.
- 10 countries apply liberal abolitionism, namely Belgium, Cyprus, Czech Republic, Denmark, Estonia, Italy, Luxembourg, Poland, Portugal, and Spain.
- 6 countries follow a conservative abolitionist approach, namely Bulgaria, France, Ireland, Malta, Slovak Republic, and United Kingdom.
- 4 countries are liberal prohibitionist, namely Liechtenstein, Monaco, San Marino, and Slovenia.
- 4 countries are neo-abolitionist, namely Finland, Iceland, Norway, and Sweden.

- 4 countries apply a conservative regulatory framework, namely Austria, Latvia, Switzerland, and Turkey.
- 4 countries have liberal regulatory approaches, namely Germany and Netherlands or liberal practices despite a conservative framework, namely Greece and Hungary.

### **2.3. Prohibitionist Approaches**

Data for the prohibitionist approach show a highly significant contingency between respect for human rights of sex workers (no reported problems v problems or serious problems) and the liberal or conservative implementation of prostitution policies. It is displayed in figure 5 (comment: note 23), which indicates that conservative is almost synonymous with human rights problem, and liberal with no reports about problems.

The data may be summarized as follows:

- From none of the four countries with a liberal prohibitionist approach there are reports about problems; these countries are Liechtenstein, Monaco, San Marino, and Slovenia.
- Further there is one country with a conservative prohibitionist approach and nevertheless without any reports about problems, namely Andorra. However, all other 14 countries of this group have reports about problems or serious problems.
- From the following conservative prohibitionist six countries there are reports about lacking legal protection of sex workers, namely

---

<sup>23</sup> Significance for contingency tables is tested with the *Fisher* exact test, using a 95% contingency level.

Armenia, Bosnia and Herzegovina, Georgia, Montenegro, Republic of Moldova, and Romania.

- From the following eight conservative prohibitionist countries there are reports about police brutality against sex workers and similar serious problems: Albania, Azerbaijan, Croatia, Lithuania, Macedonia, Russian Federation, Serbia, and Ukraine.

International consensus states that the *de facto* criminalization of sex workers is incompatible with human rights abiding law. Thereby, in conservative prohibitionist countries, prostitutes are sanctioned, but clients often are not. As the United Nations Committee on the Elimination of Discrimination against Women repeatedly noted, such double standard discriminates against women (references: note 24). Further, in prohibitionist countries law enforcement against pimps and traffickers is often ineffective, as the focus is on eradicating prostitution, rather than on protecting prostitutes. As a consequence, in several countries even sexually exploited children may not be recognized as victims of a crime, but rather they are fined for illegal prostitution.

The conservative prohibitionist approach forces sex workers underground, where they are not protected by police against crimes. This makes sex workers more vulnerable to violence and exploitation.

- Qualitative data confirm that for eight of 19 prohibitionist states the criminalization resulted directly in violence by state actors against sex workers.

---

<sup>24</sup> CEDAW, Background paper concerning article 6 of the Convention (CEDAW/2003/II/WP.2 of 13.05.2003).

- For the five countries, where there are quantitative data, they display shocking levels of police brutality in urban areas (where data were collected), affecting with 95% confidence at least 84% of urban sex workers in Macedonia, 66% in Ukraine, and at least 29% in Russia or Serbia. Further, with 95% confidence, each year police officers rape at least 61% of urban sex workers in Macedonia, 40% in Serbia, 29% in Russia and 26% in Ukraine. Compared to these countries, only Lithuania with 4% or more police brutality appears to exercise some control over police.
- Further, driving sex workers underground hinders their access to health services, in particular as regards the HIV/AIDS pandemic.

This situation can be attributed to the moralist attitude inherent to prohibitionist approaches. Society does not value the positive contributions of sex work, but rather perceives sex workers as immoral, as threat to family values, or as vectors of disease. This weakens the position of sex workers in society at large, whence police officers view them as easy prey. Apparently they do not consider the rape of a sex worker as a crime. By contrast, the same police officers would not gang-rape a woman stopped for speeding (there are reports from other countries), and if so, they would not enjoy impunity.

#### **2.4. Abolitionist and Neo-Abolitionist Approaches**

As the example of Finland illustrates, there are no clear-cut limits between liberal abolitionism and neo-abolitionism. Further, 4 neo-abolitionist countries are too few to draw statistical inferences, whence these groups are put together.

The data may be summarized as follows:

- There are eight liberal (or neo-abolitionist) countries without reports about problems, namely Denmark, Estonia, Finland, Iceland, Italy, Luxembourg, Norway, and Portugal.
- Further, there is one conservative country without a reported problem, Malta.
- There is one conservative abolitionist country with a problem concerning lacking legal protection of sex workers, Ireland.
- There are six liberal abolitionist countries with reports about serious problems, namely Belgium, Cyprus, Czech Republic, Poland, Spain, and Sweden.
- There are four conservative abolitionist countries with reports about serious problems, Bulgaria, France, Slovak Republic, and United Kingdom.

These data are displayed in figure 6. Surprisingly, for the abolitionist approaches there is no significant contingency between respect for human rights of sex workers (no problem v problem or serious problem) and the liberal or conservative implementation of prostitution laws. The following hypotheses offer explanations:

- Under prohibitionist approaches, the difference between tolerant and conservative is much sharper: Tolerant regimes apparently urge their police force to much more restraint, as they do not enforce existing law. For abolitionist countries the distinction between conservative and liberal may be blurred, as sex workers have also legal loopholes (e.g. escort services, sex work in their own premises). Therefore, for abolitionist countries the true extent

of tolerance, e.g. with respect to soliciting, is difficult to judge from outside.

- Therefore, quantitative data carrying more information are needed for a comparison. As concerns the four abolitionist countries with available quantitative data, they support the thesis that there is a difference between liberal and conservative implementations. For instance, if the frequency of rape by police officers is considered, then for the liberal Czech Republic and Poland there are only singular reports, whence statistically the frequency is not significantly larger than 0%. However, in conservative Bulgaria and Slovak Republic, with 95% confidence police officers rape each year at least 4% resp. 14% of sex workers; further in Bulgaria 39% of sex workers suffer from police brutality.

Further, as is displayed in figure 8, the fraction of abolitionist countries with human rights problems is lower, than the same fraction for prohibitionist countries, but not significantly so.

- As follows from this analysis, the abolitionist approaches suffer from the same drawbacks, as the prohibitionist ones: In both approaches, sex workers are driven underground, making them more vulnerable. Even if sex workers are not penalized, as in the neo-abolitionist approaches, they go underground to meet their clients, but instead they may encounter criminals in an environment, where there is no police protection.
- However, quantitative data carrying more information are needed for an in-depth comparison. For, in abolitionist countries there are more legal loopholes for sex work and this may reduce extreme levels of police brutality, causing fewer reports. This

hypothesis is suggested by comparing the rates of table 2 and table 3 for abolitionist and prohibitionist countries: With 95% significance, sex workers in abolitionist countries suffer police brutality less frequently, than in prohibitionist countries. Further, in abolitionist countries the rate of open sex worker extortion by police officers is in the average at least 15% lower (comment: note 25).

### **2.5. Regulatory Approaches**

Also for the “regulationist” approaches there is no significant contingency between respect for human rights of sex workers (no problem v problem or serious problem) and the liberal or conservative implementation of prostitution laws, as is displayed in figure 7.

The European countries that regulate prostitution have the highest rate of problems (67%) amongst all considered approaches; in particular all conservative countries of this group have problems. However, this does not result in a significant contingency, neither in comparison to prohibitionist countries, nor to abolitionist countries, as figures 9 and 10 indicate. Further, for Latvia quantitative data are available: With 95% significance, each year at least 10% of sex workers are raped by police officers and 24% experience police brutality. These figures, too, are comparable to conservative prohibitionist countries.

The evident failure of regulatory policies to improve over abolitionist and prohibitionist approaches is puzzling, as on paper these

---

<sup>25</sup> This uses the *Mann-Whitney* two sample test. However, differences for rape (as all rates are smaller) and for distrust are not significant.

regulations aim at accepting commercial sex work as a profession. Sex workers ought not to be criminalized, they ought to have access to medical care, and in some countries sex workers ought to have labor rights, so that they can work more independently, and are less likely to be at the mercy of pimps or procurers.

In view of the data, which confirm a poor human rights performance in most “regulationist” countries, this situation can be explained by the actual implementation, where legal regulations are used for the maximal restriction of sex work.

- As a consequence, regulations are transmuted into hidden forms of a prohibitionist regime, which drives sex workers underground and makes them vulnerable for violence.
- Further, conservative regulations in six countries require sex workers to register and undergo mandatory health checks, whereby often police enforces HIV tests against the will of the women. There are no such obligations for the clients of sex workers. This clearly discriminates against women, as “forced medical control of prostitutes, where such measures were not implemented with respect to clients, [was] discriminatory and might be counterproductive”, as the United Nations Committee on the Elimination of Discrimination against Women repeatedly observed (citation: note 26).
- Moreover, in the enforcement of such regulations police does not distinguish between commercial and private sex work, which *de*

---

<sup>26</sup> CEDAW Background Paper, *supra* note 24

*facto* criminalizes women with private sex work, even though such regulations would not apply to them.

It should be noted that regulations do not necessarily produce poor outcomes. UNDP refers to regulations (*decriminalization*) in New Zealand and the Australian province of New South Wales as success cases (source: note 27). These regulations do not aim at restricting sex work, but rather they focus on the human rights of sex workers, decriminalizing sex work and defining it as legitimate labor. For instance, New Zealand leaves sex work of single women in their own premises unregulated (like most abolitionist countries), but implements a licensing regime for organized sex work (e.g. brothels) to empower sex workers, safeguard their social and labor rights and protect their health (source: note 28).

---

<sup>27</sup> UNDP, *Sex Work and the Law*, *supra* note 7

<sup>28</sup> *Prostitution Law Reform Committee*. Report of the Prostitution Law Reform Committee on the operation of the Prostitution Reform Act of 2003, Wellington, New Zealand, 2008

### 3. CONCLUSION

More than 50 years ago, Council of Europe with 47 member states implemented ECtHR as a regional instrument for the protection of human rights, based on ECHR. However, none of the applied legal approaches towards sex work can measure up to the standards set by these instruments. Rather, European prostitution laws made rape and torture of sex workers by police officers a mass phenomenon.

- In 16 countries with 120 million inhabitants sex workers enjoy the protection of the law. At least, there is no information to the contrary. However, these countries comprise only 15% of 800 million Europeans.
- The situation is different for 31 countries with 85% of the European population and about 2.4 million women in sex work. There, for sex workers the promises of human rights are hollow. Rather, women, transgender persons and men suspected of sex work suffer from horrifying crimes by state actors, such as rape and torture, and this occurs at shocking levels. This is illustrated for nine urban “hot spots” (Table 2), where for a population of 28 million (3.5% of the European population) there are almost 100,000 women in sex work: With 95% confidence each year at least 27,000 of them are raped by police officers and 32,000 suffer from police brutality. These already huge problems are made worse by police corruption (with 50,000 victims of extortion from the hot spots alone), lacking protection against crime (trafficking, violence by clients), deliberate violations of data protection (with sometimes deadly consequences), and regular humiliations and degrading treatment by authorities.

Qualitatively, there are no significant differences in the poor performance of the different legal approaches across Europe. Roughly one may stipulate, by referring to the classification tree in figure 4, that conservative implementations cause human rights problems (true for 92% of 25 conservative states). For the liberal implementations one may distinguish: If laws are prohibitionist there seems to be no problem (4 states without problems). If not, as for the remaining 18 states, there is about a 50:50 risk for human rights deficiencies (44% risk for problems). The result of this policy failure is lacking trust of sex workers in police (table 3). This in turn weakens protection of women against trafficking, with global repercussions, for as long as sex workers have reason to be fearful of the police it is unlikely that they will report cases of trafficking or other crime to the police.

As to such deficiencies (reported problems or serious problems):

- Apparently, even well-meant “regulationist” approaches at the national levels may become corrupted by moralist local policies aiming at barring prostitution from local neighborhoods, resulting in conservative prohibitionist praxis.
- As a result, by comparison even countries with prohibitionist policies do not fare worse in the average, as for the liberal of them the actual non-implementation of these policies makes a significant difference. However, non-implementation seems to work only in small countries.
- Abolitionist countries share the same problems as prohibitionist ones, as there is not much factual difference in criminalizing

## *Sex-Worker Forum of Vienna*

prostitution altogether or in prohibiting all activities related to prostitution, but the sexual act itself.

- The only positive exception may be countries with a neo-abolitionist approach, as this resolved the issue of discrimination of women insofar, as women are no longer penalized for sex work. Yet, they are still not protected effectively against crime.

The political source of these problems is lacking tolerance and respect in European societies for other people's decisions and choices about their sexual life and lifestyle, as long as they harm no-one else. Voluntary adult sex workers and their clients do not harm anybody and policies ought to accept this fact.

- It is well established that sex work is not an inherent threat to public health (reference: note 29). However, misguided policies may hinder access of sex workers to health services.
- Also problems in upholding public order, e.g. in street prostitution, are not inherent to sex work, but caused by policies that force sex work to unsuitable places.
- Neither does sex work weaken public moral and family institutions. Even the most conservative of European societies accept that there are different viable models for family life and states should not privilege a traditional religious role model.

Europe needs laws that effectively respect and protect the most fundamental human rights of sex workers. Therefore, European policy

---

<sup>29</sup> That sex workers are not vectors for infections is well established; e.g. it was confirmed by empirical studies in Spain and the United Kingdom (*Ward/Day/Weber, Sexually Transmitted Infections, 75/1999, pp 340 ff*).

## *Human Rights of Sex Workers in Europe*

makers should begin to conceive and implement human rights based policies that respect the human dignity of women, transgender persons and men in sex work. There is a rich body of international literature to guide them (reference: note 30).

### ***Approved by Sex-Worker Forum of Vienna***

*Aoife Nic Seáin O'Neill*, public relations officer, Sex-Worker Forum,  
[admina\\_aoife@sexworker.at](mailto:admina_aoife@sexworker.at)

*Christian Knappik*, executive manager, Sex-Worker Forum  
Verein Sexworker Forum, ZVR-Zahl 699583522  
Pannaschgasse 5-7/14, A-1050 Wien, Austria



© Sexworker Forum, Wien 2012

---

<sup>30</sup> *OHCHR / UNAIDS, International Guidelines on HIV/AIDS and Human Rights, Geneva 2006; see also references in notes 3, 4, 7, 24.*

**4. APPENDIX: COUNTRY EXPERIENCES AND DATA**

**4.1. Albania**

Prostitution is illegal (conservative prohibitionism), but widespread, whereby 2% of Albanian women emigrated for sex work. There are *serious problems*, namely reports from 2011 about trafficking and police officers kidnapping women for this purpose, and from 2010 about sexual exploitation of children (sources: note 31).

**4.2. Andorra**

Prostitution is illegal (conservative prohibitionism), but hidden (source: note 32).

**4.3. Armenia**

Prostitution is illegal (conservative prohibitionism). There are several *problems*, reported in 2006 and 2007: Concerning data protection, police registration of offenses results in a *de facto* unregulated registration of sex workers. Further, measures against trafficking discriminate against sex workers and stigmatize victims of trafficking, both of whom are treated like criminals; this criticism was voiced against police as well as against judges (sources: note 33).

<sup>31</sup> For kidnapping see „ABC News“ of 21.05.2011 and for sexual exploitation of children US Department of State, 2010 Human Rights Reports.

<sup>32</sup> US Department of State, 2009 Human Rights Reports.

<sup>33</sup> *Snajdrova/Hancilova*, Trafficking in Human Beings in the Republic of Armenia, OSCE, Yerevan, 2007; for judges: US Department of State, TIP Report 2006.

**4.4. Austria**

Prostitution is regulated conservatively: Sex workers need to register at police or municipal authority and regularly undergo mandatory health checks, including involuntary HIV tests. They are taxed as self-employed workers, but not protected by labor law, nor is sex work recognized as a gainful occupation. Legal sex work is in some provinces confined to a brothel system and in others restricted by a zoning system. There are *serious problems*, reported in 2010 and 2012: Humiliating circumstances at the gynecological inspections (enforced upon handcuffed women by police) amount to degrading treatment, there are cases of extortion and sexual harassment by police officers, and there is a *de facto* impunity for pimps and traffickers. Further, child victims of sexual exploitation are penalized, rather than supported (sources: note 34).

**4.5. Azerbaijan**

Prostitution is illegal (conservative prohibitionism), but widespread. There are *serious problems*, according to NGO reports from 2009 (sources: note 35): 33 of 150 surveyed sex workers in 5 cities (95% confidence interval: 17% to 28%) stated that for fear of police brutality they would not turn to police when their rights have been violated, referring to sexual or other violence by police officers

<sup>34</sup> United Nations Committee against Torture, CAT/C/AUT/CO/4-5 of 20.05.2010 at § 22, United Nations Committee on the Right of the Child, CRC/C/AUT/CO/3-4 of 05.10.2012 at § 64; reports by this author to CAT (2010) and CEDAW (2012).

<sup>35</sup> Report of Civic Organizations to 44<sup>th</sup> session of CEDAW and report of LGBT Organizations to 96<sup>th</sup> session of HRC; see homepage of the United Nations Office of the High Commissioner for Human Rights.



(comment: note 36). Transgender women in sex work suffered from torture by police and lacking protection against hate crimes.

#### **4.6. Belgium**

Prostitution is not prohibited (liberal abolitionism), unless it is organized or conduct is considered an offense to public order. Thus, soliciting and advertisement of sexual services may be punished. Zoning by municipalities regulates where sex work is permitted, such as windows prostitution in Antwerp. However, there are *serious problems*, as since 2009 there are reports about high levels of police harassment against sex workers. This is reflected in an increasing number of disciplinary measures and court cases against police officers. Further, zoning may force sex workers into the hands of pimps, if within the zones they can find work in certain *de facto* brothels, only (sources: note 37).

#### **4.7. Bosnia & Herzegovina**

Prostitution is illegal (conservative prohibitionism) and there are reports from 2010 about *problems*: Victims of sexual exploitation are penalized for illegal prostitution, even if they are children (source: note 38).

---

<sup>36</sup> The confidence intervals were recalculated by the author, using *Clopper-Pearson* small sample test. This test is conservative, i.e. the actual level of significance is higher than the used nominal 95% one sided significance.

<sup>37</sup> For windows prostitution, see “Wall Street Journal” of 26.05.2005 and National Center for Policy Analysis of 31.05.2005. For police harassment, see US Department of State, 2010 Human Rights Reports.

<sup>38</sup> US Department of State, 2010 Human Rights Reports.

#### **4.8. Bulgaria**

There are no regulations of prostitution, but it is not tolerated, as companion activities are criminalized (conservative abolitionism), except for massage and escort services, which generate tax revenues (source: note 39). Thereby, sex workers are punished for “not engaging in a socially beneficial form of labor”, for violating public order, or for not carrying ID cards. There are reports from 2008 and 2009 about *serious problems* (source: note 40). In particular, municipalities let police apply brute force to chase away sex workers from Roma origin. Of 10 interviewed sex workers, 7 reported police brutality (95% confidence interval: 39% to 91%), 2 sexual violence (rape) by police officers (4% to 51%); 3 were extorted by police officers (9% to 61%) and 8 were forced to clean the police station (49% to 96%); the purpose was to humiliate them. 16 distrust police (60% to 93%).

#### **4.9. Croatia**

Prostitution is illegal (conservative prohibitionism), but widespread. There are reports from 2009 about *serious problems* with police harassment and public humiliation of sex workers (source: note 41).

---

<sup>39</sup> *Supra* note 6

<sup>40</sup> See *supra* note 5 and note 36

<sup>41</sup> US Department of State, 2009 Human Rights Reports

#### **4.10. Cyprus**

Prostitution is not prohibited and tolerated (liberal abolitionism). However, there are reports from 2009 (source: note 42) and 2010 about *serious problems*, as deficiencies in the protection against trafficking caused the death of a sex worker, as documented in ECtHR, *Rantsev v Cyprus & Russia* of 07.01.2010. Lacking awareness of authorities for trafficking and sexual exploitation was attributed to the failure of distinguishing exploitation and voluntary sex work.

#### **4.11. Czech Republic**

Prostitution is not prohibited and also about 900 brothels are tolerated and they attract sex tourists (liberal abolitionism). However, municipalities have the right to restrain sex work by zoning or prohibit it (e.g. Brno, Plzen, Prague). Sex workers may then be punished under charges of public offense by causing public annoyance, or of rioting by committing a rude indecency in a place open to public. As a result, street prostitution was pushed outside city limits, and most sex work is in door. In view of these policies here are reports from 2008 and 2009 about *serious problems* (source: note 43), with 1 of 23 interviewed sex workers reporting physical violence and extortion by a police officer (95% confidence interval: 0% to 19%) and 13 denying that they could expect help from police (38% to 74%). Nevertheless, despite these problems the cited study considers the Czech Republic a positive precedent, compared to other CEE countries.

---

<sup>42</sup> US Department of State, 2009 Human Rights Reports

<sup>43</sup> *Supra* note 5 and note 36

#### **4.12. Denmark**

Since 1999, prostitution is not prohibited, if it is not the sole source of income, and the about 6,000 sex workers are tolerated (liberal abolitionism), however there are restrictions on soliciting and street prostitution. Brothels are illegal. About 40% of sex workers are immigrants, but police has been commended for distinguishing clearly between trafficking and immigration (source: note 44).

#### **4.13. Estonia**

Prostitution is not prohibited, tolerated (liberal abolitionism) and widespread (source: note 45).

#### **4.14. Finland**

Prostitution is not prohibited, but it is prohibited to sell and buy sexual services in public places, solicit or advertise for sexual services. Brothels are illegal. Policies focus on curbing demand: Since 2006 clients face criminal sanctions for buying sexual services from trafficked women; therefore this regulation is classified as neo-abolitionist. Some forms of sex work can be carried out legally but the social stigma is heavy, whence sex work is barely visible and mostly done in private residences or nightclubs (source: note 46).

---

<sup>44</sup> US Department of State, 2009 Human Rights Reports

<sup>45</sup> US Department of State, 2009 Human Rights Reports

<sup>46</sup> *Supra* note 6

#### 4.15. France

Prostitution is not prohibited, unless it is organized, and it is tolerated in private premises, but since 2003 soliciting in all forms (also passive) is criminalized. Since 2007, several municipal decrees prohibit prostitutes from working at their habitual place of work and police controls have increased. Indoor sex work is not explicitly prohibited, but whoever tolerates it, can be punished under the crime of procuring and partners of sex workers may be punished as pimps. This model is therefore classified as conservative abolitionism. Since many years there are reports about *serious problems*: In 2006, a NGO reported about several cases of rape of sex workers by police officers, as street prostitution was pushed to unsafe places. Also the European Commissioner for Human Rights noted these rapes with concern. In 2007, a sex worker from Albania was gang-raped by five police officers and in 2010 another immigrant sex worker was gang-raped by three police officers (sources: note 47).

#### 4.16. Georgia

Prostitution is illegal (conservative prohibitionism), but widespread due to poverty, in particular in Tiflis. There are reports (2009) about *problems*, as their illegal status makes it impossible for sex workers to complain at police about violence by clients. Further, sexual harassment is not taken seriously in this country (source: note 48).

---

<sup>47</sup> Document CommDH/2006/2 of 15.02.2006 and report by Ligue des Droits de l'Homme, „The Guardian“ of 23.03.2010, „Le Post“ of 02.03.2010 and *supra* note 6

<sup>48</sup> US Department of State, 2009 Human Rights Reports

#### 4.17. Germany

Since 2001, there are liberal regulations of prostitution, where sex workers are required neither to register nor to undergo mandatory health checks. Sex work is recognized as a gainful activity, sex workers pay taxes, they have access to social security (health, retirement, unemployment benefits), and there is also some protection by civil law and labor laws, allowing sex workers to enforce payments both by clients and by brothel owners. Yet, sex workers are not bound to perform sexual services and no one can be forced to enter sex work. However, at the local levels there are differences in the implementation: In the North sex work is also tolerated in private premises in residential areas, while three provinces in the South, with about half of the German population, restrict sex work by excessive zoning, aiming to pressure sex workers into brothels (they are legal). Consequently, there are reports about *serious problems*. In view of systematic legal deficiencies in privacy protection, undercover officers intruded into homes of women suspected of illegal prostitution (reports from 2010, 2011), exposing them to humiliating forced nudity. This lacking respect for the dignity of sex workers is further documented by an incident, where a police officer of Hanover raped a sex worker (report from 2012). Even twosomes strolling through parks were intimidated by police suspecting illegal prostitution (sources: note 49). the other hand, trafficking is much less in the focus of police attention.

---

<sup>49</sup> For the rape case, “Hannoversche Allgemeine” of 09.03.2012, for the intimidation of lovers “Waltropfer Zeitung” of 08.01.2012, further: *Kavemann/Rabe: Das Prostitutionsgesetz, 2009, Follmar-Otto/Rabe, Menschenhandel in Deutschland, DIM, Berlin 2009; reports of this author to CESCR (2010, 2011), CAT (2012), and HRC (2012), and TAMPEP, supra note 6.*

#### **4.18. Greece**

Prostitution is regulated and outdoor prostitution is prohibited: Sex workers have to pay taxes and need to register at police and local health department and regularly undergo mandatory health checks. However, this system is highly ineffective, as 1,000 sex workers are registered, while 20,000 are working without registration. Amongst the reasons is the denial of registration to married women. However, registration is barely enforced, whence this regulation is actually liberal (sources: note 50). The source from 2008 also notes *problems* with ineffective protection of sex workers by police.

#### **4.19. Hungary**

Since 1999, prostitution is regulated, whereby brothels are illegal and soliciting is restricted. Sex workers pay taxes and may only work in tolerance zones, which municipalities define arbitrarily. Further, the about 20,000 sex workers were required to register at local government to obtain a license and regularly undergo mandatory health checks. However, Constitutional Court declared this regulation in violation of the dignity of the concerned women as unconstitutional (sources: note 51). Hence, this system is classified as liberal.

---

<sup>50</sup> US Department of State, 2008 Human Rights Reports, and *supra* note 6

<sup>51</sup> Judgment 28/C/2005 of 10.01.2011, AB-Bulletin 20/1; see also: US Department of State, 2009 Human Rights Reports, *TAMPEP*, *supra* note 6

#### **4.20. Iceland**

Since 2009, the purchase of sexual services is a crime, but sex workers are not penalized (neo-abolitionism).

#### **4.21. Ireland**

Prostitution is not prohibited, unless it is organized, and it is tolerated in private premises, but since 1993 soliciting is de facto criminalized (conservative abolitionism). This made escort services to the most common form of commercial sex work. There is a *problem*, as between 1922 and 1996 about 30,000 women suspected of immorality, such as sex work, were subject to torture and unpaid forced labor in privately owned “charities”, cooperating with government institutions, but Ireland does not ensure victims adequate redress (sources: note 52).

#### **4.22. Italy**

Prostitution in one’s own premises is tolerated (liberal abolitionism), but other forms of indoor sex work are prohibited. However, since 2008 several municipalities (e.g. Genoa) issued anti-prostitution ordinances to prohibit soliciting and require police to ensure the security and decorum of the inner cities and expulse non-resident sex workers (also Italians). This may pressure sex workers into the hands of organized crime, while at the same time police wastes resources for

---

<sup>52</sup> More information about “Magdalene Homes”: United Nations, Committee against Torture, CAT/C/IRL/CO/1 of 01.06.2011 at § 21; “The Irish Times” of 27.04.2011; *Scott in Ditmore*, Encyclopedia of Prostitution and Sex Work, I, London, 2010, pp 225 ff; *Scott*, How Modern Governments Made Prostitution a Social Problem, Mellen Press, London, 2005

prostitution control rather than combating Mafia criminality (source: note 53).

#### **4.23. Latvia**

Prostitution is regulated conservatively: Sex workers need to register at police and regularly undergo mandatory health checks. They may work at their own premises, or in tolerance zones, but brothels are illegal and hotel guests may not invite them to their rooms. From 2008 and 2009 there are reports about *serious problems* (source: note 54): 9 of 21 interviewed sex workers reported about physical violence by police officers (95% confidence interval: 24% to 63%) and 5 about sexual violence by police officers (10% to 44%). Further, police forces women in sex worker to undergo gynecological inspections and uses this as a threat to coerce money from them. Another threat for blackmailing is public shaming by disclosing confidential data and photos. Thereby 9 of 21 respondents (24% to 63%) reported about extortion by police officers, 6 were publicly shamed by police officers (13% to 49%) and 8 were tested for HIV forcefully and against their will (21% to 58%). 17 do not trust police (62% to 93%).

#### **4.24. Liechtenstein**

Prostitution is illegal, but even nightclubs are tolerated, if they do not cause a public nuisance (liberal prohibitionism, source: note 55).

---

<sup>53</sup> Report by TAMPEP, *supra* note 6

<sup>54</sup> *Supra* note 5 and note 36

<sup>55</sup> US Department of State, 2009 Human Rights Reports

#### **4.25. Lithuania**

Prostitution is illegal and both sex workers and clients are penalized (conservative prohibitionism). From 2008 and 2009 there are reports about *serious problems* (source: note 56): 16 of 20 interviewed sex workers were extorted by police officers (95% confidence interval: 60% to 93%) and 3 suffered from physical violence by police officers (4% to 34%). Further, there is a general societal problem with justified distrust into police, as illustrated by ECtHR, *Česnulevičius v Lithuania* of 10.01.2012. All respondents (confidence interval: 86% to 100%) distrust police, rather they avoided police contacts whatsoever. Also, confidentiality of medical data is not secured (ECtHR, *Armoniene v Lithuania* of 25.11.2008).

#### **4.26. Luxembourg**

Prostitution in apartments and street prostitution is not illegal, tolerated and widespread (liberal abolitionism, source: note 57). For street prostitution, tolerated zones and times are foreseen by regulations.

#### **4.27. Macedonia, Former Yugoslav Republic of**

Prostitution is illegal and not tolerated (conservative prohibitionism). There are reports from 2008 and 2009 about *serious problems* (source: note 58): Of 17 interviewed sex workers, all reported physical violence by police officers (95% confidence interval: 84% to

---

<sup>56</sup> *Supra* note 5 and note 36

<sup>57</sup> US Department of State, 2009 Human Rights Reports

<sup>58</sup> *Supra* note 5 and note 36

100%), 14 suffered from sexual violence (61% to 95%) and 11 were extorted (42% to 83%). Consequently, all (84% to 100%) distrust police, rather they avoided police contacts.

#### **4.28. Malta**

Prostitution in one's own premises is not prohibited, but soliciting is a crime (conservative abolitionism). Nevertheless, sources from 2009 noted that the lack of reports about police abuse (sources: note 59).

#### **4.29. Monaco**

Prostitution is illegal, but unobtrusive forms seem to be tolerated, as otherwise a dense net of police operated CCTVs would have uncovered sex workers (liberal prohibitionism).

#### **4.30. Montenegro**

Prostitution is still a crime and not tolerated (conservative prohibitionism). From 2008 and 2011, there are reports about *problems*, as criminalization of sex workers weakens their protection against sexual exploitation and trafficking. Further, there is a culture of impunity for police brutality (sources: note 60), whence reports about police assaults against sex workers may not even be noticed.

---

<sup>59</sup> United Nations document CEDAW/C/MLT/4 of 04.06.2009; US Department of State 2009 Human Rights Reports

<sup>60</sup> European Commissioner of Human Rights, document CommDH/2008/25 of 08.10.2008 at §§ 32 ff and United Nations documents CAT/C/MNE/CO/1 of 21.11.2008 and CEDAW/C/MNE/CO/1 of 21.10.2011.

#### **4.31. Netherlands**

Since 2000, there are liberal regulations of prostitution, with no registration (it is under discussion). Sex work is a legitimate occupation, protected by social, labor and civil law, and licenced brothels may employ sex workers (source: note 61). However, municipalities have strict regulations that *de facto* prohibit street prostitution (e.g. Amsterdam since 2005).

#### **4.32. Norway**

Since 2009, the purchase of sexual services is a crime, even if consumed abroad, but sex workers are not penalized (neo-abolitionism). They are required to pay taxes, but prostitution is not accepted as work (source 62).

#### **4.33. Poland**

Prostitution is not prohibited, but brothels are, and the 3.300 to 20,000 commercial sex workers are tolerated, it is illegal to register them, and they therefore need not pay taxes (source: note 63). Escort services are tolerated, too. However, there are reports from 2008 and 2009 about *serious problems* (source: note 64): 1 of 13 interviewed sex workers was a victim of sexual violence by a police officer (confidence interval: 0% to 32%) and 3 were denying that they could expect help from police (7% to 49%), but there were no reports about

---

<sup>61</sup> TAMPEP, supra note 6

<sup>62</sup> TAMPEP, supra note 6

<sup>63</sup> US Department of State, 2009 Human Rights Reports, and TAMPEP, supra note 6

<sup>64</sup> *Supra* note 5 and note 36

other police harassment (0% to 21%). 5 distrust police (17% to 65%). Nevertheless, despite these problems the cited study considers Poland a positive precedent, when compared to other CEE countries.

#### **4.34. Portugal**

Prostitution is not prohibited, tolerated and, according to 2009 reports, also widespread (liberal abolitionism). Unlike for most other countries, there was also research to explore the extent and reasons for stigmatization of street prostitutes (sources: note 65).

#### **4.35. Republic of Moldova**

Prostitution is illegal, not tolerated, but due to sex tourism widespread (conservative prohibitionism). Reports from 2009 point out *problems* (source: note 66): Authorities do not recognize violence against women as a problem, whence violence against sex workers may be ignored, and in *Transnistria* this is not even recognized as an issue.

#### **4.36. Romania**

Prostitution is criminalized and not tolerated (conservative abolitionism), but it is widespread, as poverty drives women into sex work. In view of this situation, according to reports from 2009 and 2011, Rumania has a *problem*, as these women may become victims of sexual exploitation and trafficking: In view of criminalization, they need intermediaries to offer their services. Further, Rumania is a

---

<sup>65</sup> US Department of State, 2009 Human Rights Reports; *Oliveira*, Caminhar na Vida: a Prostituição de Rua e a Reação Social, Dissertation, Univ. Porto, 2005

<sup>66</sup> US Department of State, 2009 Human Rights Reports

major transit country for human trafficking (sources: note 67). The police brutality against the client of a sex worker, displayed in ECtHR, *Ghita v Romania* of 23.10.2012, suggests that there may be similar instances of maltreatment of sex workers, although no reports are available.

#### **4.37. Russian Federation**

Prostitution is illegal and not tolerated (conservative abolitionism), but it is widespread. Since several years (2006, 2008, 2009, 2010) there are reports of *serious problems* (study: note 68, other sources: note 69): 17 of 40 interviewed sex workers were victims of gang rape and similar sexual and physical violence by police officers (95% confidence interval: 29% to 57%) and 30 were regularly extorted by police officers (61% to 86%) to provide them money. If women would not provide money and free sex to police officers (*subotnik* system), then officers threatened them to plant drugs on them or in their homes and to arrest them for drug related charges. 25 respondents would not ask police for help against violent customers (48% to 75%). Further, in view of ECtHR, *Kiyutin v Russia* of 10.03.2011, authorities do not respect the rights of HIV-positive persons.

---

<sup>67</sup> US Department of State, 2009 Human Rights Reports, and “CNN News” of 17.02.2011, see also TAMPEP, *supra* note 6

<sup>68</sup> *Supra* note 5 and note 36

<sup>69</sup> Problems observed by *Crago* (*supra* note 5) were confirmed by: NGO report to United Nations, CEDAW 46th session; CEE Harm Reduction Network, in *Ditmore*, Encyclopedia of Prostitution and Sex Work, I, Greenwood Publ., 2006, p 89 ff; US Court of Appeals, 1st Circuit, *Vanchurina v Holder* of 20.09.2010

#### **4.38. San Marino**

Prostitution is illegal but clandestine prostitution seems to be tolerated (liberal prohibitionism).

#### **4.39. Serbia**

Prostitution is illegal and not tolerated (conservative abolitionism), but widespread. There are reports (2008, 2009) about *serious problems* (study: note 70, other sources: note 71): Amongst 8 interviewed sex workers, 5 reported physical violence by police officers (95% confidence interval: 29% to 89%) and 6 sexual violence by police officers, including gang-rape (40% to 95%). Another study reported that police officers threatened sex workers with arrest, if they would not offer them free sex. Transgender women and sex workers of Roma origin are victims of particular police brutality. Further, sex workers are systematically extorted, whereby police officers and public prosecutors acted as pimps and traffickers. Thereby, 5 of 8 interviewed sex workers responded that they were extorted by police officers (29% to 89%). All interviewed sex workers (69% to 100%) distrust police in view of this violence.

#### **4.40. Slovak Republic**

Prostitution is not illegal, but not tolerated, and municipalities apply misdemeanor ordinances to curb it (conservative abolitionism). There are reports from 2008 and 2009 about *serious problems* (study:

---

<sup>70</sup> *Supra* note 5 and note 36

<sup>71</sup> *Rhodes/Simić/Baroš/Platt/Žikić*, *British Medical J*, 337/2008, and US Department of State, 2009 Human Rights Reports about public prosecutor *Senad Palamar*

note 72): 1 of 20 interviewed sex workers reported about physical violence by police officers (95% confidence interval: 0% to 22%) and 6 about sexual violence (14% to 51%). 13 sex workers distrust police (44% to 82%). Police did not extort sex workers openly, but rather “fined” sex workers and their clients without giving them a receipt.

#### **4.41. Slovenia**

Sex work is illegal, but since 2003 no longer a crime, and according to a 2007 report it is tolerated (liberal prohibitionism, source: note 73).

#### **4.42. Spain**

Prostitution is not illegal and it is tolerated (liberal abolitionist), but ever more communities restrict soliciting and street prostitution (Barcelona, Madrid). There is a report from 2012 about a *serious problem*: ECtHR, *B.S. v Spain* of 24.07.2012, noted a failure to comply with the duty to investigate a violation of Article 3 ECHR, namely police brutality alleged by a sex worker from Nigeria. This is in line to reports about municipal policies to curb street prostitution by police harassment. A similar problem related to racism and machismo of police was already reported by Amnesty International in 2002 and rape seems to have been a police method in another context, too (source: note 74).

---

<sup>72</sup> *Supra* note 5 and note 36

<sup>73</sup> US Department of State, 2007 Human Rights Reports

<sup>74</sup> For harassment, see *TAMPEP*, *supra* note 6; for machismo *AI*, Race-related torture and ill-treatment, London, 2002, in particular p 32 about a police officer forcing women into prostitution. Anti-terror police threatened women with rape; see Committee against Torture, *Abad v Spain* of 14.05.1998



#### 4.43. Sweden

Since 1999, the purchase of sexual services is a crime, but sex workers are not penalized (neo-abolitionism). In view of the pioneering character of this “Swedish model”, the situation in Sweden was scrutinized by scholars. Subsequent reports of 2010 unveiled *serious problems*, namely the serial rape and sexual exploitation of sex workers by a police chief (source: note 75). This conduct was facilitated by the law, which drove sex workers underground, to unsafe places without police protection, as they could not openly offer their services to customers. As a consequence, sex workers became more vulnerable to violence (references: note 76). Further, customers became hesitant to support victims of trafficking.

#### 4.44. Switzerland

Prostitution is regulated conservatively and, depending on the canton, sex workers need to register at police or commercial department. Brothels are legal since 1992. Although sex work is considered as trade, it is immoral. Sex work is widespread, with 23% of men in the forties consuming sexual services and about 4% of adult women in Zurich being registered as prostitutes (sources: note 77). There are reports (2008, 2009 and 2011) about *serious problems*. ECtHR,

---

<sup>75</sup> See Wikipedia about *Göran Lindberg*, convicted in 2010.

<sup>76</sup> *Kavemann in Kavemann/Rabe: Das Prostitutionsgesetz*, 2009, pp 38 ff; *Brooks-Gordon, The Price of Sex: Prostitution, Policy and Society*, 2006, p 32 and p 54

<sup>77</sup> *Jeannin et al, Sexually Transmitted Infections*, 84/2008, pp 556 ff and “New York Sun” of 06.03.2007. Thereby 11 sex workers per 1.000 inhabitants correspond to 4.4% of adult women in the reproductive age.

*Khelili v Switzerland* of 18.10.2011, observed a data protection violation, as police was not deleting data about alleged prostitution. Further, there are reports from 2009 about police brutality and about sexual exploitation tolerated by police. Other reports explain this by an abuse of police instruments against trafficking for administrative purposes of prostitution control, which may criminalize victims of trafficking, but does not help them (sources: note 78).

#### 4.45. Turkey

Prostitution is regulated conservatively and sex workers need to register at police and regularly undergo mandatory health checks. However, transgender women are denied registration (it is only permitted for biological women), while at the same time discrimination leaves sex work as the only viable source of income for their subsistence. As a consequence, a report of 2011 highlighted *serious problems* (source: note 79): In Istanbul, 90 transgender women in sex work suffered police brutality. The commander of *Beyoğlu* police station was pardoned for torturing 9 transgender women in sex work. Amongst the factors, which made this plight of transsexual women possible, is the jurisprudence of ECtHR, which denied commercial sex workers private life protection (comment:

---

<sup>78</sup> Abuse of police instruments: Amnesty International, report to United Nations, CEDAW, 2008; sexual exploitation: CEDAW/C/CHE/CO/3 of 07.08.2009 at § 13 and § 29; police brutality: US Department of State, 2009 Human Rights Reports

<sup>79</sup> *Amnesty International, Not an illness nor a crime*, London 2011, see p 12

note 80). Further problems are lenient sentences for hate murder and terror against the LGBT community.

#### **4.46. Ukraine**

Prostitution is illegal and not tolerated (conservative prohibitionism), but widespread. There are reports (2006 to 2011) about *serious problems* (study: note 81, other sources: note 82): Amongst 20 interviewed sex workers, 17 suffered from police brutality (95% confidence interval: 66% to 96%) and 9 survived sexual violence by police officers (26% to 65%). As Ministry of Interior warned police that migrants from Africa would be a special threat to national health, 5 of 20 respondent sex workers (10% to 46%) were forced to undergo HIV tests against their will. Further, police criminality is a persistent problem (documented e.g. by ECtHR, *Izzetov v Ukraine* of 15.09.2011, *Paskal v Ukraine* of 15.09.2011) and 7 of 20 respondents (18% to 56%) reported extortion by police officers. 17 sex workers distrust police (66% to 96%).

---

<sup>80</sup> The decision *F v Switzerland* of 10.03.1988 (appl. no. 11680/85, confirmed in *Reiss v Austria* of 06.09.1995) declared the complaint of a sex worker as inadmissible, as commercial sex was outside the ambit of Article 8 ECHR (other than private sex work). Thus, transsexual women could not complain under Article 8 about lacking access to legal commercial sex work. (ECtHR held in *Bigaeva v Greece* of 28.05.2009, that this Article covers the right to access a profession; c.f. *Sidabras and Džiautas v Lithuania* of 27.07.2004.)

<sup>81</sup> *Supra* note 5 and note 36

<sup>82</sup> See NGO report to United Nations, CERD, 79th session, about racism, *Topolilo*, HIV AIDS Policy Law Review, 11/2006, about arbitrary detentions, police brutality and rape of sex workers by police. There was also a report about stoning in “Daily Mail” of 31.05.2011 and other media that turned out to be false.

#### **4.47. United Kingdom**

Prostitution is not prohibited, escort services or sex workers in their own premises are tolerated, and sex workers have to pay taxes. However, soliciting is *de facto* criminalized (conservative abolitionism). This caused *serious problems* as criminalization made street prostitutes vulnerable for violence. Insofar there is a causal link to two series of murders, namely 2006 in Ipswich with five victims and 2010 in Bradford with three victims (jurisprudence: note 83). Further, since 2009 London police followed a “name and shame” policy by disclosing photos and confidential personal data of suspected prostitutes to the media; this bullied women into suicide (sources: note 84).

---

<sup>83</sup> The causal link between criminalization and serial murder of prostitutes was established for a similar case at Superior Court of Ontario, *Bedford v Canada*, 2010 ONSC 4264 of 28.09.2010.

<sup>84</sup> For the policy, “The Guardian” of 06.08.2010, for suicides *Jenny Thompson* (attempted suicide in 2011 at age 22, “Mirror” of 12.06.2011); *Chemaine Chevlene* (suicide at age 33 in 2010, as police harassed her in 2008, “Daily Mail” of 02.10.2010)

**Content**

German Abstract ..... 2

0. EXECUTIVE ABSTRACT..... 3

    0.1 Summary ..... 3

    0.2. Summary Maps ..... 4

    0.3. Summary Tables ..... 6

    0.4. Summary of Correlations ..... 8

1. BACKGROUND INFORMATION..... 11

    1.1. Author and Sources ..... 11

    1.2. Classification of Sex Work ..... 11

    1.3. Sex Work Statistics ..... 12

    1.4. Legal Terms ..... 13

2. ANALYSIS OF COUNTRY EXPERIENCES..... 15

    2.1. Considered Problems and Assessment Method ..... 15

    2.2. Classification of Legal Regulations ..... 16

    2.3. Prohibitionist Approaches..... 17

    2.4. Abolitionist and Neo-Abolitionist Approaches..... 18

    2.5. Regulatory Approaches..... 20

3. CONCLUSION..... 22

4. APPENDIX: COUNTRY EXPERIENCES AND DATA..... 24

    4.1. Albania ..... 24

    4.2. Andorra ..... 24

    4.3. Armenia..... 24

    4.4. Austria..... 24

    4.5. Azerbaijan ..... 24

    4.6. Belgium..... 25

    4.7. Bosnia & Herzegovina ..... 25

    4.8. Bulgaria..... 25

    4.9. Croatia..... 25

    4.10. Cyprus ..... 26

    4.11. Czech Republic ..... 26

    4.12. Denmark..... 26

    4.13. Estonia..... 26

    4.14. Finland ..... 26

    4.15. France..... 27

    4.16. Georgia..... 27

    4.17. Germany..... 27

    4.18. Greece ..... 28

    4.19. Hungary..... 28

    4.20. Iceland..... 28

    4.21. Ireland ..... 28

    4.22. Italy ..... 28

    4.23. Latvia ..... 29

    4.24. Liechtenstein ..... 29

    4.25. Lithuania ..... 29

    4.26. Luxembourg..... 29

    4.27. Macedonia, Former Yugoslav Republic of..... 29

    4.28. Malta ..... 30

4.29. Monaco.....	30
4.30. Montenegro .....	30
4.31. Netherlands .....	30
4.32. Norway.....	30
4.33. Poland.....	30
4.34. Portugal .....	31
4.35. Republic of Moldova .....	31
4.36. Romania .....	31
4.37. Russian Federation.....	31
4.38. San Marino.....	32
4.39. Serbia .....	32
4.40. Slovak Republic .....	32
4.41. Slovenia.....	32
4.42. Spain.....	32
4.43. Sweden .....	33
4.44. Switzerland.....	33
4.45. Turkey .....	33
4.46. Ukraine.....	34
4.47. United Kingdom.....	34



© Sexworker Forum, Wien 2012