

Legal prostitution in Europe: the shady facade of human trafficking

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Criminalising the buying, rather than the offering, of sexual services is one of the ways to fight the transnational criminal networks behind the trafficking of women.

In the last decade forced prostitution and traffic in human beings for sexual exploitation in Europe has dramatically increased but it remains largely overlooked. The EU has failed to stem the problem, and conflicting legislation has been counter-productive. There is an urgent need to rethink how to tackle the issue collectively, with greater focus on criminalising the buying of sex.

Around the world, an estimated 4.5 million women are enslaved in sexual exploitation managed by transnational organised-crime networks. In Europe, much evidence indicates that a legalised sex industry plus thriving demand make for an open door to forced prostitution and human trafficking.

The Netherlands in 2000 and Germany in 2002 opted for the full decriminalisation of prostitution. The goal was to regulate the sex industry better and provide sex workers with rights and social benefits. Yet this has been associated with a spike in human-rights abuses and an increase in human trafficking.

A market of greed ...

The International Labour Organisation (ILO) [estimated the global profits from forced prostitution](#) at \$99 billion in 2008—a *fivefold increase from 2005*. A third of those profits are generated by trafficking. In legalised EU markets, where most of the women are coerced migrants, smuggled or trafficked, the total annual profits from trafficking for sexual exploitation can be estimated at between \$34bn and \$47bn.

Organised-crime networks take advantage of open borders and the absence of common EU legislation. They recruit in the poorest countries and swiftly move their human “livestock”, extorting social benefits and reinvesting incomes where competitive banking services and attractive property markets are available. Legal prostitution is also a source of considerable revenue for criminal networks from Albania, west Africa, eastern Europe, China and Japan, among others.

The sex trade is a globalised, co-ordinated, fast-growing and highly lucrative business. This represents a major incentive to co-operate to make economies of scale. Organised-crime distribution hubs dispatch [and relocate victims to EU territory](#), mainly Germany and other countries where prostitution is legalised (Holland, Spain, Belgium and Austria), which are considered [major destinations for trafficking](#).

... and fear

Supporters of legalisation see trafficking for sexual exploitation as minor “collateral damage” in a market constituted mostly by free entrepreneurs. This ignores the nature of prostitution and the extent of trafficking in the sex trade. In the same vein, some policy-makers argue that the destination countries’ governments have neither the financial resources nor the responsibility to help the victims of trafficking out of prostitution. They overlook its dynamics at the EU level—a combination of the origin countries’ inability to protect their citizens and lack of border checks and the abuse of women in the destination country by purchasers of sex.^[1]

[Prostitution requires violence](#): the age of entry is estimated typically at 13, 75% of women and girls are between 13 and 25; 90% are dependent on a procurer, with very high levels of addiction to drugs or

alcohol (83%). [A study using UK data](#) between 1985 and 1994, published in the *American Journal of Epidemiology*, found that prostitute women in the UK died prematurely (on average at 34), their mortality risk elevated 33 times. Indeed, the authors warned that the situation could be even worse due to under-reporting. Prostitute women are mainly migrants (up to 80% in Austria, 65% in Germany) exposed to much higher levels of violence and abuse than nationals. As such, they often do not have access to national health and social benefits, despite legalisation.

[Europol identifies demand](#) for cheap labour, commercial sexual services and existing workers within the sex industry in wealthy EU countries as three important “pull” factors in human trafficking. In a study covering 150 countries, the [London School of Economics](#) also emphasised the demand side. Legalisation could not curb demand, since prostitution is not attractive to indigenous women with better options, independent of its legal status. In addition, trafficking victims can be exploited more brutally and clients prefer new, exotic women. The United Nations Office for Development Co-operation confirms that [trafficking to Europe for sexual exploitation](#) heavily affects communities in west and east Africa and Thailand, while trafficking from north Africa, China, Vietnam and Cambodia is increasing to meet the demand for indoor prostitution.

Facilitating trafficking

Legalisation makes criminal offences linked to exploitation difficult to prove and offenders often benefit from a suspended sentence. Legalisation of the sex industry also facilitates entry procedures and the work of traffickers (in terms of visas and work permits). Additionally, laws on prostitution and immigration within and between countries are not co-ordinated, offering poor protection to exploited women.^[2] [Data for 2008-10 for the 28 EU states, as well as Iceland, Montenegro, Norway, Serbia, Switzerland and Turkey](#), show that trafficking cases increased by 18% while convictions of traffickers dropped by 13%, as a consequence of more lenient laws on procurement and brothel ownership.

Transnational organised crime is largely based on cash.^[3] The trading of human commodities and other criminal activities have increased shadow-economy transactions involving cash couriers, [illegal weapons](#), *hawala* (informal banking), front companies and investments in high-value goods such as luxury cars, casinos, banks and properties. Real-estate/brothel owners can extort money from legal sex workers renting a visible space for their activity. Countries with high financial secrecy—such as the UK, Austria and Switzerland—are preferred for reinvestment.

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Trafficking in human beings is [highly gendered](#): 84% of victims are girls and young women (trafficked men do not mostly end up in prostitution). By definition, it takes place without consent: despite endemic poverty, lack of opportunities and the perceived absence of a better future, victims do not sign up for sexual exploitation. To keep the demand-driven supply chain running, organised-crime networks have recourse to deception, manipulation, intimidation and violence, towards the victim and her family.

A legal sex trade increases the sexual exploitation of children. Allied to the age of consent, child prostitution and child pornography were thus effectively authorised in [Switzerland until September 2013](#). The ILO has identified “tolerance of prostitution at community or national level” and “irresponsible exercise of sexuality, especially male” as [factors](#) which put children at risk of being trafficked.

Criminalising the buyer

The “Nordic model” criminalises buying sex, not selling it. The goal is to protect the weaker party in the sex transaction, shifting responsibility and social stigma on to the purchaser. It was adopted first by Sweden in 1999. This framework reaches far beyond individual choice or victimisation to the greater health, social and political costs of the sex trade, which it attacks as its roots. Fifteen years on, the country seems to have tackled prostitution and human trafficking well. Street prostitution has halved and many women have been able to exit the trade.^[4]

Statistics from the Norwegian government (which adopted the model in 2008) show that the worst forms of violence (rape, physical blows and thefts) against prostitutes have decreased dramatically there. And, despite initial fears, prostitution has not gone underground, leaving prostitutes helpless and far from the reach of social workers. The model raises social awareness and creates a context unprofitable for criminal networks. Further research has shown that recruitment of new women has come to a halt.

Human trafficking is conventionally perceived as a criminal issue unconnected to the world in which we live. At the European level, labour, health, prevention, immigration and foreign policies keep being segregated from prostitution and trafficking. The law-enforcement response is not however adequate and only \$5 is spent annually per victim—just one of whom may well have been traded for \$30,000.

Criminalising customers is more effective against trafficking and does not inflict criminal penalties on victims and those engaged in prostitution (forced or not). In February 2014, the European Parliament acknowledged the “legalisation disaster” and passed a resolution supporting the Nordic model now adopted in Iceland, Norway, France and Canada since the Swedish pioneer. Germany and the Netherlands are meanwhile considering radical policy changes.

Human trafficking is a challenge which requires a concerted European response. The current patchwork of laws not only fails to encompass and address the transnational crime networks deeply embedded within it—but allows them to flourish.

[1]A. Jonsson (2009), “Human trafficking and human security in the Baltic Sea region”, in Jonsson (ed), *Human Trafficking and Human Security* (Abingdon: Routledge), 93-113

[2]M.C. Johansson and K. Kelemen (2013), *Still Neglecting the Demand that Fuels Human Trafficking* (Leiden: Koninklijke Brill NV), 2013

[3]L. Shelley (2009), “Human security and human trafficking”, in Jonsson, *op cit*, 11-25

[4] *ibid*