

Prostitution Problem in Europe

Committee: The European Council

Introduction

The European Council, comprised of heads of government/state of the 28 European Union member states, meets at least four times every year to set the policy/strategic agenda for the European Union (EU). Instead of negotiating and formulating EU legislations, the EU Council identifies issues of concern, decides the prioritization of topics, and formulates general policy directions for branches of the EU to follow up on.

Functions and Powers

Introduced by the founding Treaties of the Communities through the Single European Act and later expanded by the Treaty on European Union, the European Council is tasked to “provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof”. However, over the years, the council’s function expanded to reflect the increasingly integrated region. In addition to its original function, the council now “settles issues outstanding from discussions at a lower level”, “operates as a ‘collective heads of state’ in external affairs”, “enacts formal ratification of important documents”, and “negotiates changes in the integration treaty.”

In addition, the council also appoints various high-profile EU officers, such as the President of the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy, and the whole Executive Board of the European Central Bank. With that, and the fact that the EU council meetings are participated by the highest executive officers in all EU member states, the council has essentially become the driving force for future EU integration.

Voting Methods

The European Union adopts codecisions to “identify specific issues of concern for the EU and outline particular actions to take or goals to reach”. These codecisions normally require a qualified majority to pass, in which 55% of member states has shown support and the total population of countries voting in favor of the decision represents at least 65% of the total EU population. However, in cases where the council decides matters which the member states consider to be sensitive, such as common security and taxation policy, EU membership, EU foreign policy, and harmonization of national legislation in the field of social security and social protection, the council decides unanimously and any vote against the decision essentially vetos the decision.

Topic: Prostitution Problem in Europe

Statement of Problem

The debate on prostitution is complicated. Some would see it as a debate over the effectiveness of government control over black markets, others would categorize the discussion to be fundamentally based on different interpretations on human rights. With the lack of consensus on the role that governments, human rights, and regulation plays in social issues, the issue of prostitution continues to be an area of discussion.

All sides of the discussion agree that total prohibition and criminalization does not solve the problem. However, discussions occur on whether making changes to the status quo would make things worse. Some reformist with an regulatory approach believes that prostitution should be legalized and regulated so that government oversight can be provided. Other reformists with an abolitionist approach believes that prostitution can still be illegal, but service providers should not be criminalized. The lack of consensus led towards distinctive legislatives being passed in different countries within the European Union.

In other areas around the world, having different policies towards issues such as prostitution might not be a problem, however, seeing how the EU is a political and economic union, difference within policies can affect the unison of policies. For instance, countries that has legalized prostitution has observed significant increase of prostitutes from neighboring countries and “child sex tourism”. Even though the EU council can not directly issue binding laws and regulations, it has the responsibility to decide what role the EU should play in this issue. Should the EU council decide, with the support of executive branch of all EU countries, to work towards harmonizing this particular social policy? Or should the EU focus on eliminating various criminal phenomenon related to prostitution though jointly-issued standards and responsive measures? Delegate can expect fruitful debates on the role of a regional organization in an integrated union, the moral and reasonings behind legalizing and banning prostitution, and experience how complementary measures are formed to supplement the main policy directive of this particular committee.

Definition of Key Terms

- Nordic Model of Prostitution Law
- Decriminalization of Prostitution - eliminates all laws in place for prostitution and prohibits the state from intervening in any prostitution activities
- Legalization - the regulation of prostitution with laws regarding where, when, and how prostitution could take place
- Brothels - a place where prostitution takes place. They are legal and illegal in some areas of Europe
- Red-Light Districts - a section in an urban area where prostitution businesses are centered.

History and Discussion

Ancient Middle East, Greek and Roman - Prostitution is legal and regulated

The existence of prostitution have been record since the early days of recorded history. Prostitution back then can be categorized into sacred prostitution and conventional prostitution according to its purpose and how the sex workers are treated within the society.

Religion-based prostitution can be found in Ancient Near East Empires. People perform sexual intercourse as a religious rite to please deities of their belief, and some are “employed” as priests or priestesses to perform such religious services in temples, shrines, and even in common street areas. These “priest/priestesses” are respected within societies and are protected in legislations; the Code of Hammurabi,

the world's first legal document, even protects the inheritance right of female Babylonian prostitutes, which is normally denied to regular women.

Prostitution in Ancient Greece and Rome, on the other hand, are mostly "employed" for pleasure and entertainment. The higher-classed prostitutes, male and female, are expected to perform entertainments, such as singing, dancing, gymnastics, or even fencing, and are employed in meetings and parties; these prostitutes are mostly independent women, who sometimes would even have significant social influence. Others are slaves from neighboring countries or vulnerable populations, who are forced or manipulated into prostitution. All of the abovementioned sex-workers were classified and regulated, and are required to notify authorities, wear specific clothing, and stay in specific zones. Generally, this kind of tolerance policy continued until the Middle Age of Europe.

15th Christian Countries-harden against prostitution

In 15th century, the Christian Royalty in Europe had been greatly empowered. With the strong Christian belief, prostitution was considered extremely immoral at the time. For example, in 1546 England Henry VIII's royal proclamation ended England's "toleration" for prostitutes who he called "dissolute and miserable persons." As well as in 1560, France also Abolished Brothels.

In 16th century, the punishment even became more severe than before. Although there were different penalties for prostitution from maiming to execution existed by the 1500s, but they generally went unenforced. The newly-elected Pope Sixtus V grew frustrated and decided on a more direct approach, ordering that all women who participate in prostitution should be put to death.

19th - Reform, Controversy and Discussion

With the major reforms in politics, the attitude toward prostitution has also softened. People started to think about new aspect to view the role and morality of prostitution. For instance, in 1802 the government of France replaced traditional bans on prostitution with a new Bureau of Morals or *Bureau des Moeurs* following the French Revolution. The new agency was essentially a police force responsible for monitoring houses of prostitution to ensure that they complied with the law and did not become centers of criminal activity as had historically been the tendency.

Furthermore, in 1810 Napoleon introduced a system of regulations to the Netherlands in 1810 also. It ended in 1813 when the French withdrew. Slowly the system came back and the Local Government Act of 1851 again instituted regulation to prevent the spread of disease

20th - Concerns to Human Rights and AIDS

In 20th century, people started looking at the issue of prostitution in new light. Aspects such as human rights, potential spread of sex-related diseases, and unjust social structures spark new discussions in parliaments regarding whether prostitution should be decriminalized. For instance, the Netherlands decided to decriminalize prostitution and started banning the operation of brothels instead.

Meanwhile, the new spark of discussion also lead towards the notion of creating related politically and legally binding conventions or treaties. In 1921, The International Convention for the Suppression of the Traffic in Women and Children was created by League of Nations to protect women and children from

trafficking and sexual exploitation on an international level. However, there various reservations were made by countries on its limitation of age and its applicability on colonies, protectorates, and mandated territories.

In 1949, The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was also passed in UN. The Convention requires state parties to punish any person who "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person", or "runs a brothel or rents accommodations for prostitution purposes". However, the Convention has not been ratified by many countries due to how the convention includes voluntary prostitution.

EU Past Actions

April 8, 2014 - Parliamentary Assembly of the Council of Europe (PACE)'s resolution at the European Women's Lobby (EWL)

- Resolution entitled "Prostitution, trafficking and modern slavery in Europe" passed
 - Supports the Swedish Nordic Model to combat the issue of prostitution
 - "criminalizing the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings"
 - <http://www.womenlobby.org/The-EWL-welcomes-the-Council-of-Europe-Parliamentary-Assembly-s-resolution-on?lang=en>

2012 ~ 2016 - The EU Strategy towards the Eradication of Trafficking in Human Beings

- Following Article 5 of the Charter of Fundamental Rights of the European Union
 - Identifying, protecting and assisting victims of trafficking
 - Stepping up the prevention of trafficking in human beings
 - Increased prosecution of traffickers
 - Enhanced coordination and cooperation among key actors and policy coherence
 - Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

December 2009 - Establishment of an EU Anti-Trafficking Coordinator

Directive 2004/81/EC

- Gives third country victims of human trafficking in EU nations illegally a duty to stay for a reflection period to:
 - recover with access to medical care
 - issue a temporary residence permit to allow access to the local job market, education, etc..
 - establish an independent existence free from the trafficker's influence

2005 EU plan on combating and preventing human trafficking

- "set scope for collective EU action and action by individual EU governments"
- "action taken on coordination, collecting of data, prevention, reducing demand, investigating and prosecuting, protecting and supporting victims, return and reintegrating victims and external relations."
- http://ec.europa.eu/anti-trafficking/citizens-corner-eu-actions-explained/eu-actions-explained_en

Area of Discussion

Introduction

With the complexity of the issue of prostitution, the discussion below will be divided into few parts, presenting a variety of arguments by different perspectives. We will tackle on the control of blackmarket and whether we can protect prostitutes by legalize or decriminalize prostitution. Then we will discuss this issue from historical viewpoints and the value of human rights. ‘in the third and fourth sections we will talk about effects of prostitution and its complementary measures.

Control of the Black Market

Prostitution almost always comes with human trafficking and unwilling participants. In Europe, 1 in 7 prostitutes are victims of human trafficking, and up to 90% of prostitutes wanted to immediately change professions. Children between 13 to 18 are seen in areas of prostitution, and service providers are disproportionately represented by vulnerable groupings. With the purchasing of sex being outlawed in most countries, governments find it hard to crack down on black markets and the whole sex industry runs without government control.

Proponents of legalization of prostitution believe that with adequate regulations and legislations, both sex-workers and consumers will be better protected when prostitution can be done under government oversight. Not only does legalizing prostitution under regulations mean that licenced brothel can no longer exploit their sex-worker, as labor-protecting legislations can now apply to sex-workers. Legislations can also include clauses to protect both the physical and mental health of sex-workers and consumers, as well as assistance from the authorities in resolving crime in prostitution.

Legalization would also allow sex-workers to work on their own capacity - they no longer need pimps and underground connections to provide sexual services. Some would even say that by legalizing and normalizing prostitution, discrimination against people of that certain profession would no longer be discriminated.

However, advocates against legalization are critical of the effectiveness of government oversight. They point to how Netherland’s legalization not only failed to eliminate the black market of prostitution, but also increase the demand for sex service within the country. Julie Bindel, a freelance journalist, observed that not only has sex tourism, where people visit Netherlands for legal sex services, lead to traffickers importing women and children from Central and Eastern European Countries, the black market of prostitution continues to exist, as the majority of sex workers don’t want to be recognized as prostitutes.

It is understandable that regulations and government oversight can not directly eliminate the black market on prostitution, what remains to be debated on is how can government provide meaningful oversight that would decrease the crimes committed under or associated with prostitution. If no meaningful oversight could be provided, would the advantages of legalizing prostitution outweigh the cost?

A Legacy of the Past?

Another common debate surrounding prostitution is its implication towards human rights. Prostitution is often said to be a result of an unfair social-class system, where the vulnerable groups are unequally represented within these occupation. It is said that homelessness, economic urgent need and lack of sufficient resources are the three main reasons for entering prostitution, showing how sex-workers are often forced into this industry because they have no other options for survival. Advocates against legalization of prostitution believes that sex workers are victims, and should not be criminalized nor accepted as a social and legal norm.

However, others believe that people have the right to choose this particular occupation, and utilize their body for whatever purposes they desires, as long as the decision is done voluntarily. People should be free to choose prostitution as their occupation, and not be prohibited by laws that are initialized during times of religion-based legislations. They advocate that, under mutual voluntary consent, trading sexual services for income should not be prohibited due to the moral beliefs or social beliefs of some.

Sex Trade in Vacuum

After reviewing the implications of legalizing prostitution from a government and a human rights standpoint, there are some characteristics towards prostitution that comes inherent with the profession itself. These are issues or phenomena that would occur as long as prostitution exists, and would be amplified or reduced according to the size of this particular industry.

Women in prostitution have the highest rates of rape and homicide (50%) of any group of women ever studied, and that they will suffer injury equivalent to victims of state-sponsored torture. "About 80% of women in prostitution have been the victim of a rape. It's hard to talk about this because..the experience of prostitution is just like rape. Prostitutes are raped, on the average, eight to ten times per year. They are the most raped class of women in the history of our planet. " (Susan Kay Hunter and K.C. Reed, July, 1990 "Taking the side of bought and sold rape," speech at National Coalition against Sexual Assault, Washington, D.C.)

Also, because prostitution often comes up with humiliating action towards prostitutes or the objectified of women, many prostitutes suffer from PTSD. Zumbeck's study dated 2001 found out that 60% of the women in prostitution had fully developed PTSD. Schrötle & Müller's study dated 2004 shows a high consumption of medicines: 67% of the women in prostitution take painkillers, 38% sedatives.

These conditions often go undiagnosed and can endanger the victim's' lives, well-being, and ability to do work. It also need to be noticed that In dangerous jobs, people normally fight to eliminate harmful conditions so people can work in safety and with respect. However, some of the the danger cannot be removed in prostitution because the act of prostitution is the harm.

Common Ground Across the Aisle

Though governments and activists around Europe each have their own approaches towards prostitution, there are a few issues that remain constant across the various proposed policies - that government need to do more to prevent vulnerable groups within societies from choosing prostitution as their last resort, rehabilitate former prostitutes and assist their reintegration into societies, and prevent human trafficking and forced prostitution from happening.

a. Prevention of Vulnerable groups

Hundreds of children were being used as prostitutes throughout EU and the world. Most of them come from troubled families and often have histories of truancy. They typically run away from home after being sexually abused. The treatment programs for sexually exploited children needs to be tremendously expand. Broadening community-based prevention programs that spot and help troubled children before they end up selling their bodies on the streets may be effective. Lawmakers also need to encourage programs that train teachers, law enforcement officials, social workers and others to help on children at risk and to recognize the signs of sexual abuse and prostitution. By being able to recognize and immediately help the at-risk children, the authorities can intervene right away before damage has been done.

b. Rehabilitation Center

Shelters are likely the strongest necessity that recovering prostitutes need, especially it can help those who are in deep desperation. Unlike an addiction treatment center, a prostitution recovery center focuses on recovery from trauma and adversity. Prostitution can result in a very volatile way of life for many people. Some circumstances can even lead to mortal danger. The line of work that prostitutes are in lead to many encounters with shady people and individuals living on the fringe of society. Customers, managers, pimps and other people from their circle can be a very rough group of people who have little to no respect for prostitutes and may severely mistreat them. The fear and abuse impressed on a number of prostitutes leaves them incapable of reentering the world on their own, on the other hand, shelter can help their physical and mental recovery and also to learn the necessary skill to find other jobs.

c. Child Exploitation

Around 10 to 20 percent of children in Europe are being sexually assaulted in their childhood. Sexual violence exploited on children include child pornography and rape. Therefore, the Commercial Sexual Exploitation of Children (CSEC) is a big concern in which sexual abuse is utilized in other to obtain cash or other benefits to the child/victim. In 2011, the EU published a Directive on combating the sexual abuse and sexual exploitation of children and child pornography in order to combat child abuse and child prostitution. In 2012, the We Protect Global Alliance was formed to end child sexual exploitation.

d. Human Trafficking

The illegal transferring of people from place to place, is a common way of obtaining prostitutes. In the past, the EU has published Directives and placed in a new committee to combat human trafficking in Europe, as well as working with the European Women's Lobby to protect human trafficking in foreign prostitutes ending up in Europe as a result of human trafficking. NGOs are often the proponents to stepping in and helping victims, but there is always the fear of illegal entry into countries and breaking the law across national borders.

Possible Solutions

Nordic Model of Prostitution Law

The Nordic Model is firstly applied in Norway. Currently in European Union, The Nordic Model is currently being applied in France and Sweden.

According to the campaign “Nordic Model Now”, The Nordic Model is an effective approach in preventing trafficking and exploitation. The human rights and gender equality based approach also known as the ‘Swedish model’. This set of laws and policies penalizes the demand for commercial sex while decriminalizing individuals in prostitution and providing them with support services, including help for those who wish to exit prostitution. Based on an approach first adopted in Sweden in 1999, and followed by Norway and Iceland, the Nordic model has two main goals:

- Curbing the demand for commercial sex that fuels sex trafficking
- Promoting equality between men and women.

Although “The Nordic Model” seems not be very widespread in individual country’s policies, it is actually strongly promoted in European Union. Countries such as Finland, the Netherlands, Romania and Denmark are considering applying this kind of approach.

Prostitution is Illegal

Currently in European Union, Prostituting is only illegal in Lithuania and Croatia.

Though prostitution in Lithuania is illegal, it is very common in the Lithuanian society. The penalty for prostitution is a fine of USD\$120 to USD\$200 (300 to 500 litas) for a single offense and up to USD\$400 (1,000 litas) for repeat offenses.

Key NGO and IGO Players

UN Women

2013-UN Women Note on Sex Work, Sexual Exploitation and Trafficking. In the note, UN Women expressed their stance to prostitution.

“UNAIDS, of which UN Women is a co-sponsor, supports the decriminalization of sex work in order to ensure the access of sex workers to all services, including HIV care and treatment. UN Women also supports the regulation of sex work in order to protect sex workers from abuse and violence.”

ILO

The ILO considers sex workers as a vulnerable group that are exposed to great risks of contracting HIV/AIDS. The ILO is devoted in the prevention of the spreading of HIV/AIDS. It also supports the "Getting to Zero" mission and has found different ways to implement the primary policy initiative, Recommendation 200.

This recommendation states that "Measures be taken in and through the workplace to facilitate access to HIV prevention, treatment, care and support services for workers, their families and dependents." The publication discusses some of the different ways that they have implemented programs that target both sex workers and their clients in different countries worldwide.

European Women Lobby

The European Women's Lobby (EWL) is an NGO founded in 1990 and the largest umbrella organisation of women's associations in the European Union (EU), working to promote women's rights and equality between women and men.

The EWL campaign, entitled 'Together for a Europe Free from Prostitution', calls on individuals, national governments and the European Union to take concrete actions to bring about an end to societal tolerance for widespread sexual and economic exploitation of persons in prostitution, the vast majority of whom are women. EWL believes that pervasive inequality between women and men as the key root cause for prostitution.

Questions to consider

1. What role could the EU Council play in regards to this particular issue, and to what extent?
2. Do you think EU should suggest countries to decriminalize or legalize the following actions or actors?:
 - a. service providers
 - b. the act of prostitution/sex-trade
 - c. customers
 - d. pimps
 - e. operating brothels
3. What kinds of complementary measures should countries take to protect vulnerable groupings within societies?
4. How can governments prevent the occurrence of human trafficking, physical abuse, child exploitation and other crimes associated with prostitution?

Recommendation for Further Research

"Convention for the Suppression of the Traffic in Persons." Convention for the Suppression of the Traffic in Persons. N.p., n.d. Web. 24 Jan. 2017.

<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>>.

"Parliamentary Assembly." Doc. No 13446. N.p., n.d. Web. 24 Jan. 2017.

<<http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20559&lang=en>>.

Citations

<http://prostitution.procon.org/view.timeline.php?timelineID=000028>

<http://civilliberty.about.com/od/gendersexuality/tp/History-of-Prostitution.htm>

<http://www.nswp.org/>

http://www.equalitynow.org/sites/default/files/Nordic%20Model%20Fact%20Sheet_0.pdf

<https://nordicmodelnow.org/>

<http://www.businessinsider.com/why-america-should-legalize-prostitution-2013-11>

<http://www.embracedignity.org/uploads/10Reasons.pdf>