

Legislating Lust: A Comparative Analysis of Prostitution Legal Frameworks in Western and Central Europe

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Abstract

What, if any, improvements or modifications would you make to the current prostitution policies in your country? This was the question I probed universally as I conducted interviews in the Netherlands, Germany, Czech Republic, and Poland, trying to discern the most effective legal framework for prostitution. A large body of research exists against the criminalization of both supply and demand of commercial sex. However, there is growing international advocacy for criminalization of only demand, commonly known as the Swedish model. I accept the arguments made against criminalizing both supply and demand, but denounce the emerging international promotion of the Swedish model based on my research in Central and Western Europe. By using feminist methodologies in fieldwork, compiling interviews of current sex workers, activists, and advocates as well as drawing from previous scholarly work, I argue that prostitution policies must be context specific and focus on providing social services and reducing the stigmatization of sex workers in order to decrease the vulnerability and increase the quality of life of sex workers, thereby improving society as a whole.

Keywords: Sex industry, criminalization, abolition, decriminalization, legalization

1. Introduction

What, if any, improvements or modifications would you make to the current prostitution policies in your country? Please be specific and explain why you would make such changes. This was the question I probed universally in all the interviews I conducted in the Netherlands, Germany, the Czech Republic, and Poland trying to discern what the ideal legal framework was for prostitution. Unanimously, none of the activists, advocates, or sex workers that I interviewed desired the criminalization of prostitution. Similarly, many scholars who have researched sex work and the legal frameworks surrounding it in the Western world suggest that criminalization models are not the most effective legal approaches to addressing sex work. The objections to criminalization are due to evidence that criminalization forces sex work underground, heightening the vulnerability of sex workers because they have no employment rights and could be imprisoned if they come forward about abuses.¹ Also, criminalization creates an unproductive cycle of sex workers being arrested and fined and then returning to the sex industry in order to pay off their fines and being prevented from entering other employment sectors.² However, there are varied suggestions among scholars for alternatives to criminalization. This research accepts the arguments against criminalization, but expands beyond this discussion and asserts that no legal framework can or should be applied universally.

This paper is a discussion of the different legal frameworks of the Netherlands, Germany, the Czech Republic, and Poland, and this research seeks to answer what policies most benefit sex workers; the measurement of the benefit to sex workers is based according to accessibility of social services and minimizing of stigma. As the

research and interviews show, policies must be context specific because each country has particular historical, societal, and political factors that influence their domestic sex industries. Additionally, current functioning legal frameworks in the Netherlands, Germany, the Czech Republic, and Poland have failed to address sex work in a way that is most beneficial to sex workers because they all have state-centered, top-down approaches which do not account for the perspectives of sex workers, activists, and advocates who are directly affected by the policies. In order to effectively legislate in a way that will be beneficial to sex workers, the primary focus of policies need to be on facilitating peer-led vocational trainings, social services, and educational programming on the sex industry to erase stigma.

2. Defining Sex Work and Legal Approaches Concerning It

The dilemma of addressing sex work begins with the controversy of defining it. Before we analyze the different arguments concerning sex work and how best to address it legally, a working definition of sex work and its distinction from prostitution must be established. Also, the definitions of the main legal approaches must be understood: prohibition, abolition, decriminalization, and legalization.

2.1 Prostitution

According to *Black's Law Dictionary*, prostitution is "The act or practice of engaging in sexual activity for money or its equivalent; commercialized sex." However, definitions can range from specifying sexual acts and goods that can be exchanged to broader definitions referring to a business transaction that involve, helping the person paying attain sexual gratification.³

2.2 Sex Work

In legal documentation and public policy prostitution is typically the term used rather than sex work. Sex work is a more inclusive term that can imply a broader spectrum of work within the sex industry. The term emerged in the 1990s and enables prostitutes as well as other people working in the sex trade to articulate their needs as working people and implies more legitimacy as workers.⁴ Throughout this paper, I will be using both terms, but when discussing legalities specifically, I will be using the term prostitution to be consistent with the legal language being used. Also, the sex industry is still extremely gendered and the majority of scholarship I will present refer primarily to women when referring to sex workers. Also, my majority of the people I interviewed were women. This is not to invisibilize other sex workers; it is just where the majority of scholarship is done and points to the need for further research.

2.3 Prohibition and Abolition

Both of these are classified as criminalized jurisdictions, however, they are not one in the same. In prohibitionist jurisdictions all forms of prostitution are illegal, while in abolitionist jurisdictions the sale of sexual services is legal but soliciting these services or operating any kind of third party services (such as a brothel) are banned.⁵ The United States is an example of a country that practices prohibition and Sweden practices abolition.

2.4 Decriminalization

This approach involves the repeal of all special criminal legislation concerning sex work. Some specific activities involved in sex work can still be prosecuted under generally applicable laws though. This means the state does not officially condone prostitution, but it also does not prosecute against it unless there are other law violations involved.⁶ The Czech Republic and Poland practice decriminalization.

2.5 Legalization

Also known as regulationist, this approach pairs complete decriminalization with legal provisions regulating one or more aspects of sex work/business/industry. These legal provisions are implemented through labor laws,

vocational training, zoning laws, compulsory medical exams, licensing, etc. The government seeks to sterilize and control the sex industry by means of these regulations.⁷ The Netherlands and Germany both practice legalization.

3. Methods and Methodology

It is important to note that, unlike in most fields of academia, feminist methodology values and validates the researcher's personal identity and the personal impact of the research upon the researcher, therefore it is important for me to acknowledge how the dynamics of my personal identity affected this research. Throughout the research process, attempting to reconcile with the privilege of being able to do international research and subjugate the power dynamics between the people I interviewed and myself is key. My understanding of my own positionality in the field is based primarily off of Katherine Gregory's perspectives on her own fieldwork with transgender sex workers in the Netherlands. Gregory discussed the challenges she faced with subjugating power dynamics, symbolic violence in her research, and linguistic imperialism, all of which were difficulties I also faced. She also addressed the barriers to access she faced when gathering interviews and the barriers presented by identity politics.⁸ Both of these barrier issues are particularly important to understand when conducting research on any sector of the sex industry because sex workers tend to be cautious of researchers due to the judgment they often subjected to by the larger society and because they rarely reap any benefits from researchers' work. This latter point indicates Gregory's argument about symbolic violence in research with sex workers. Research can be exploitative and furthermore symbolically violent because sex workers are called upon to provide information but receive nothing in return or made false promises by researchers. Consequently, because they are called upon to provide information, they are often put in a significant amount of emotional labor, recalling instances or factors about the sex industry and society that may be painful for them.⁹ In my fieldwork, I observed that the amount of emotional labor put into interviews by sex workers was significantly more compared to advocates. Unequal give and take throughout interviews was an aspect of my fieldwork that I consistently struggled with. I tried to subvert this by using several methods: allowing interviewees to choose a location in which they were most comfortable, sending interview questions prior to the interview and emphasizing if the interviewee was made uncomfortable by any of the questions they were not required to answer, concluding each interview with asking if they had anything further to add or any suggestions, sharing some personal information with them about my studies if they asked, sending them my completed research paper, taking breaks during the interview if the interviewee needed, providing affirmations, and generally trying to be supportive and open throughout the interview process.

Along the lines of affirmation, I oftentimes found myself reassuring my interviewees of their English proficiency and affirming that they were understood. Linguistic imperialism was very present in the areas I studied and a dynamic within my interviews. All my interviewees had to accommodate me by using English. Due to my restriction of only being able to communicate in English, much information may have been lost in translation, particularly the finer nuances in speech and through inaccurate assumptions I may have made thinking my interviewees and I shared some. Gregory refers to this as "linguistic incongruences."¹⁰

Conclusively, Gregory entreats us to consider how all data gathering and knowledge production is bound to our own cultural biases, meaning we are each only capable of producing "partial knowledges."¹¹ In my research, there were numerous variables that I had limited control over. As a U.S. American researcher coming into the Netherlands, Germany, the Czech Republic, and Poland, I was limited by my cultural assumptions and my identity restricted my access to certain information, resulting in my research yielding only partial knowledge of the circumstances of sex work in each country. Other faults in my research pertain to the demographics of those I had access to interviewing. There was extreme inconsistency to whom I was able to interview in each country, in Germany I interviewed exclusively sex workers while in the Czech Republic I only interviewed advocates. This definitely limits the scope of my research, varying from country to country. Also, none of my interviewees were people of color and all but one were CIS-gendered women. Therefore, even though the perspectives my interviewees share were extremely valuable, they are limited.

In the following section, I present my case studies that consist of the interviews conducted with current sex workers, activists, and advocates in the Netherlands, Germany, the Czech Republic, and Poland, supplemented by arguments of various scholars for each different legal approach. Statistics and studies compiled by government agencies and NGOs will also be incorporated in my analyses.

4. Legalization

Proponents of regulationist schemes, most notably Ron Weitzer, advocate for the legalization of prostitution based on the theoretical backings of a polymorphous paradigm, which undermines essentialist monolithic paradigms such as the oppression paradigm that radical feminists promote. This means instead of treating sex work as inherently violence against women, “Victimization, exploitation, agency, job satisfaction, self-esteem, and other dimensions should be treated as *variables* (not constants) that differ between types of sex work, geographical locations, and other structural conditions.”¹² This paradigm emphasizes the diversity of experiences within the sex industry and deconstructs assumptions about a broad intrinsic nature to commercial sex.¹³ Based on this understanding of the sex industry, Weitzer advocates for what he terms as a “two-track policy,” which is a form of legalization. This two-track policy would target resources to eliminate street prostitution and decriminalize indoor prostitution while maintaining regulations on it, creating two-tiers of prostitution.¹⁴ He chooses to label outdoor prostitution as a public nuisance under the law and aims for its reduction because street prostitution is where there is commonly more drug use and exploitation.¹⁵

4.1 The Netherlands

Like the two-track model Weitzer advocates for, the Netherlands’ legal framework has regulated and unregulated prostitution that exists, creating two tiers in the domestic sex industry; legal and illegal. In 2000, the Netherlands lifted the ban on brothels. Prior to this, prostitution was technically never a criminal offence, but third party involvement (brothels, sex clubs, and escort services) was forbidden, all of which are now legal.¹⁶ The details of the law may be found in the appendix.

The Dutch government lifted the ban in an attempt to destigmatize prostitutes and increase resources targeting the prevention of involuntary prostitution.¹⁷ This resulted in the federal and local government agencies taking on the responsibility of regulating brothels and assuring that licensing requirements were met.¹⁸ The way in which licenses were distributed to brothels created a number of problems for both the government and sex workers. When the government lifted the ban on brothels in 2000, it did not pass any formal legislation governing prostitution. It was left to local authorities to devise and implement policies specifically for their respective areas. Consequently, there is considerable inconsistency in the way licenses are issued and prostitution is regulated throughout the Netherlands.¹⁹

For sex workers specifically, the consequences of this have been negative because when brothel licenses were first distributed by the Dutch government in 2000, the licenses were given to individuals who were already running illegal businesses, meaning brothel owners at the time of the law change were given licenses to legitimize their previously illegal business.²⁰ Since then, the local municipalities have had jurisdiction over the amount of licenses distributed, and most have capped the number to prevent further expansion of the sex industry.²¹ This means these brothel owners have been able to hold a monopoly over the commercial sex business in the Netherlands and there have been few opportunities for sex workers, specifically women, to run their own businesses.²² Thus, there has been no opportunity for there to be a shift in power from the owners to the workers themselves.²³ However, it is easier for municipalities to work with and regulate monopolies than a multiplicity of individually owned businesses.²⁴ This entire process was explained to me by a woman who for the purposes of confidentiality I will refer to as Mary. Mary has worked since 1987 as an independent researcher, consultant, and trainer in human rights, sex workers rights, sex trafficking, and violence against women. Her words are support by the research of Ronald Weitzer.

Another issue Mary addressed that resulted from the disconnect between federal and local authority on regulating prostitution was the inconsistency in zoning for prostitution. Along with being able to regulate the number of brothels in their municipality, local authorities can also restrict them to particular neighborhoods and refuse or withdraw a license at any time for nearly any reason.²⁵ They do not even need proof of wrongdoing, only suspicion.²⁶ In the past few years, the zoning restrictions on prostitution have increased considerably, especially in the infamous Red Light District (RLD) in Amsterdam. The Dutch government shut down one third of its brothels in 2007 in response to human trafficking and organized crime concerns.²⁷ This trend of reduction has continued since and now recent estimates are as high as half of the window brothels in the RLD of Amsterdam were closed down.²⁸ In this way, prostitution is not legal at a national level and is growing increasingly restricted.²⁹ I witnessed seeing the many shut down or repurposed window brothels on my study abroad program’s tour of the RLD with one of Amsterdam’s lead sex workers rights activist, Mariska Majoor.

She commented on the shrinking of the RLD disapprovingly and has public advocated against this movement by the government.³⁰

An additional regulation that the Dutch government imposes as a part of its prostitution policy is registration. According to Dutch law, the police cannot keep a registry of sex workers per se because it would infringe upon several different person privacy laws.³¹ Nevertheless, the police may keep what is referred to as a “temporary register for a specific law enforcement purpose, for example to investigate human trafficking.”³² Another stipulation is that independently employed sex workers must register with the Tax and Customs Administration at the Chamber of Commerce.³³ A new bill, proposed in 2011, would require the registration of all sex workers. The bill was unsuccessful and failed in 1st chamber of Senate.³⁴ The government claimed the bill would have provided more security for sex workers because they would have been more visible to social work agencies and law enforcement.³⁵ A woman I interviewed who worked for several years in public administration for prostitution, currently in Amsterdam, stated the registration would be a tool for “weeding out” the most vulnerable workers and try to assure they were not controlled by a third party.³⁶ Yet, this bill was met with a large amount of controversy from sex workers, advocates, and brothel owners. Most sex workers oppose registration out of fear of losing anonymity and felt that their privacy is being invaded. They also feared how it may affect future job prospects outside of the sex industry.³⁷ This fear indicates the continued prevalence of stigma even after over a decade of legalization. Mary predicted, had the bill passed, it would have had very adverse effects. She stated that it would have led to the criminalization of some of the most vulnerable groups in the sex industry (such as undocumented migrants who would not be able to register without being found out) as well as criminalization of workers who were working independence because they would not want to sacrifice their anonymity.³⁸ Such a result would be counterproductive since the Dutch government has long been working towards getting prostitutes to work independently, rather than controlled by any third parties, hence why they began regulations on brothels and outlawed pimping. Another interviewee, Patricia, confirmed what Mary said about the bill leading to possible further discrimination against migrants and overall it would reinforce discrimination against sex workers in general.³⁹ The leading brothel owners’ association also echoed this sentiment about discrimination, arguing since self-employed prostitutes are already required to register with the Chamber of Commerce, there is no need to have a separate registration as prostitutes and the government did not provide a reason for the registration except that they feel the need to since it is prostitution again indicating stigma.⁴⁰ Thus, by enforcing registration, many workers would be forced into the illegal sector.

Relating back to the discussion of discrimination migrants face, when Patricia mentioned registration being a way to discriminate against migrants, I reflected upon my interview with the women working for the Dutch government. When she had explained to me how registration would be used to “weed out” the most vulnerable women working, I asked her what signifiers they looked for to indicate vulnerability. She listed not being able to speak Dutch as one of the first examples, followed by signs of trafficking, drug addiction, and mental impairment.⁴¹ Given the first two examples, it stands to reason how the proposed bill could be used to profile migrants. In all of my interviews, undocumented migrants were certainly named as one of the most vulnerable groups so it is reasonable that the Dutch government would target them. However, criminalizing them for being unregistered could potentially push them further underground and avoid social services more. In addition to this, many sex workers who are Dutch nationals feel neglected as a result of this targeting of migrants.⁴² Reflecting more upon the interview with the government worker, there was a significant emphasis on trafficking prevention that came up while we spoke in regards to registration, the closing of the red light district of Utrecht, and possible future modifications to prostitution policy. When asked specifically about the current political attitude toward prostitution, she commented that over the past few years there has been a lot more information coming to the government’s attention regarding trafficking. This has led to a political shift toward placing more restrictions on the sex industry.⁴³ Mary claimed that a lot of pressure coming from abroad also influenced this political shift, particularly the Bush administration and CATW, who have grown to have a lot of influence.⁴⁴ This influence extends into the way the United Nations addresses trafficking, which controls funding for nonprofits who work with sex workers.⁴⁵ Funding can be withheld if certain requirements for combating trafficking are not met.⁴⁶ All of these intersecting factors led to a conflation between trafficking and sex work in the Dutch national discourse. Sex trafficking was clearly central in the push to pass the 2011 bill, reflecting the conservative backlash in the Netherlands.⁴⁷ This trend can also be seen prominently in Germany, and will be discussed further in the coming section.

Conclusively, according to interviews gathered by Gregory, Weitzer, and myself as well as studies conducted by the Dutch government, the working conditions of people working in the Dutch sex industry have improved due to the legalization of brothels.⁴⁸ However, there is noteworthy contention concerning licensing, registration, trafficking victim identification processes currently. Also, there is rising tension between protecting victims of

trafficking while maintaining the rights of sex workers, especially with concerns to anonymity and privacy. These issues came up multiple times in all of my case studies.

4.2 Germany

With the approval of the Prostitution Act of 2002, Germany successfully repealed the immorality assumption from its law concerning prostitution. Before 2002, neither prostitution or owning a brothel was illegal but, since it was considered an immoral activity, prostitution was subject to a host of restrictions and prostitutes had virtually no rights.⁴⁹ This was a federal act; meaning the act did not need the approval of states. However, since it did not require the approval of the states, the states still have regulatory power to create zones of exclusion for prostitution.⁵⁰ This is very similar to the Netherlands, creating a disconnect between federal and local authorities. The government's professed motivations for passing the act were to improve the legal and social status of sex workers, improve working conditions, facilitate workers exiting the sex industry, and decrease organized crime.⁵¹ These motivations align with the Netherlands' reasons for adopting a regulatory framework for prostitution. Also similar to the Netherlands, sex workers have the right to employment contracts, are covered under the labor laws, have the ability to take clients and brothel owners to court, and they have the right to join statutory health insurance.⁵² Another similarity between the two legalized models is the current conservative backlash linked with the conflation of sex trafficking and sex work in public discourse.

One of the women I interviewed in Germany that currently works in the sex industry, whom I will call Tabitha, explained the current political attitude in the country is reactionary. According to Tabitha, there was a lot of political discussion about adopting the Swedish model and the dominant discourse turned into discussion about trafficking. She did not think adopting the Swedish model was a good idea because, as discussed previously in this paper, it would result in clients not willing to help trafficking victims because they would be afraid to report anything for fear of punishment. Also, she felt that the suggestions of the Swedish model and the dominant trafficking discourse suggesting that all prostitutes are victims revealed a lot of ingrained stigma in German society, despite the government's attempts with legalization to reduce stigmatization. Recent sensationalized media reports concerning the sex industry reinforce Tabitha's sentiments, such as in *Der Spiegel* and the documentary *Sex – Made in Germany*. These media sensations are a part of a recent trend of very negative publicity of Germany's sex industry, with an emphasis on exploitative labor.⁵³ In this trend, legalization of prostitution is said to be a mistake and called for more restrictions. All three of the sex workers I spoke with in Germany consistently said conservative backlash stems from the continued stigmatization and discrimination against sex workers, and the media coverage hurts more than it helps anyone.⁵⁴

Another issue Tabitha brought up when discussing the conservative sentiments arising in regards to prostitution was zones of exclusion. As I previously mentioned, a strong similarity I found between Germany and the Netherlands were the discontinuities between federal and local authorities. Since states have the power to decide zoning restrictions in their respective municipalities, some states in Germany have refused to implement the Prostitution Act of 2002 or create requirements of registration with police.⁵⁵ The similarity with the Netherlands is striking in this regard because, though registration on a national level failed, some local authorities are trying to create registration requirements in their areas.⁵⁶ This is an issue because, in some areas, this resigns prostitution to the outskirts of towns and cities where infrastructure in regulation is lacking, increasing the risk of victimization. There are no sanitary facilities in these areas and pimping is known to be higher.⁵⁷ In addition to various areas of exclusion, the classification of a "prostitute" varies from municipality to municipality, meaning there is no uniform policy for licensure for brothels, taxation of sex workers, or employee contracts.⁵⁸ In combination of all of these factors, having such inconsistency in prostitution policies leads to legal uncertainty amongst sex workers, brothel owners, clients, and society as a whole.⁵⁹

5. Decriminalization

Gail Deady along with a myriad of sex workers rights groups like the International Committee on the Rights of Sex Workers in Europe, COYOTE, and Prostitutes Collective, argue in favor of decriminalization. Deady comparatively analyzed the legal models of the United States, United Kingdom, Australia, and New Zealand. She concluded from her analysis that New Zealand's decriminalized legal framework was the most effective for preventing trafficking as well as facilitating the best quality of life for sex workers. She also argues, "...that women become trapped in the commercial sex industry in criminalized jurisdictions."⁶⁰ An important

distinction between legalization and decriminalization I will reiterate is under decriminalized jurisdictions, the law does not specifically make prostitution legal or illegal.⁶¹ Certain restrictions on aspects of prostitution, such as third party involvement, can be in the legal code but prostitution itself is left ambiguous.⁶² Sex workers' rights advocates usually prefer decriminalization to legalization because such legal frameworks typically do not have forced registration or mandatory health checks.⁶³ Regulation can certainly occur under decriminalization though; it is just dependent upon what approach the government chooses to take.⁶⁴ The Czech Republic and Poland are two examples of how decriminalization can be implemented in different contexts.

5.1 Czech Republic

The Czech Republic does not have any comprehensive legislation concerning prostitution. This means prostitution is not recognized under the law, therefore it is not considered a form of labor and is excluded from the Trade Licensing Act.⁶⁵ However, certain activities are explicitly prohibited under the law, such as third party involvement.⁶⁶ Contrary to the Netherlands and Germany, brothels are not allowed to operate. Another difference from the Netherlands and Germany is the lack of a visible sex work pride movement. The voices of sex workers themselves are much less prominent and advocates or professionals that are dubbed "experts" instead speak for the workers. There have been unsuccessful efforts to implement a comprehensive legalized framework for prostitution in the Czech Republic over the past 10 years.⁶⁷ The Proposed Act on Regulation of Prostitution (PARP) would implement a licensing system and aim to cut down outdoor prostitution by incorporating strict zoning laws, all closely modeled after the Netherlands.⁶⁸

The PARP has been a controversial proposal, met with opposition from sex workers in the Czech Republic. In a survey conducted by the civil association Bliss Without Risk, a clear majority of sex workers surveyed (47.5%) disagreed with the licensing portion of the bill and the commonest reason for disagreement was the need for anonymity.⁶⁹ This is consistent with the objections previously discussed by sex workers in Germany and the Netherlands to licensing and registration. However, when asked about health checks or health insurance, most sex workers reported these "would not be a problem."⁷⁰ This contrasted specifically from Germany, which recently changed its policy on mandatory health checks.⁷¹ An advocate I spoke with from the Bliss Without Risk organization expressed concern that the proposed amendment would push more workers into the "hidden prostitution scene."⁷² Street prostitution is also illegal, which contributes to the unregulated sector of prostitution as well.⁷³ This creates a problem because, as mentioned in my previous case studies, the vulnerability of workers greatly increases when business is pushed underground. This challenges the effectiveness of Weitzer's two-track system of prostitution and points to possible problems that may occur. In general, this is an emerging similarity between all the case studies and presents the difficulty of implementing regulations of legalization without establishing an illegal sex work sector. For the Czech Republic, these results show decriminalization as a more favorable legal framework rather than implementing a legalized framework.

The amendment has entered into public discussion several times throughout the past couple of years, along with discussions about expelling prostitution from cities.⁷⁴ From examining Germany, this will not be a good regulation because the heightened risk of victimization and organized crime. However, in the Czech Republic, much like the two previous case studies, laws can be made in local areas that prohibit prostitution and require a permit.⁷⁵ According to one advocate I interviewed that was based out of Plezen, this can lead to tensions with local police. Sex workers told the advocate that they usually had worse relations with municipality police rather than state policy.⁷⁶ This particular advocate believed that legalization could lead to the repeal of such prohibitions and lead to better relations between sex workers and police. He argued that decriminalization as it exists in the Czech Republic, currently denies sex workers their rights and protection because sex work is not recognized as legitimate labor. He believed it should be recognized as labor and removing the prohibitions (such as exclusion zones) would lead to more protection. The question remains if legalization is needed for this or just a specific amendment.

5.2 Poland

Similarly to the Czech Republic, Poland has a decriminalized legal framework for prostitution and prohibits third party involvement. The Polish Penal Code only mentions prostitution in regards to brothels. The details of the Polish prostitution law, Article 204, may be found in the appendix. Under the stipulations of Article 204, the sale of sexual service without third party involvement is not criminalized, nor is the purchase.

When asked how these vague policies play out in actuality, an employee from *La Strada* in Poland explained there are very limited resources available to sex workers because it is considered immoral within the context of the very Catholic Polish society.⁷⁷ There is also limited access to certain health services due to the influence of the Catholic Church. Abortion is illegal and contraceptives are distributed limitedly, depending on the doctor.⁷⁸ The woman from *La Strada* explained that HIV testing is available but sex workers must go through an “interview” first and an employee from PARASOL, confirmed this.⁷⁹ The emphasis of HIV agencies is on treatment rather than prevention and there is no significant promotion of condoms.⁸⁰ Health services are particularly limited for sex workers in Poland because, like in the Czech Republic, they are not recognized as a legitimate form of labor. This means they do not have health insurance coverage or pension.⁸¹ As a result, the outreach worker from PARASOL informed me that a lot of sex workers register as unemployed to get free health coverage. Additionally, the focus of funding is focused on drugs and alcoholism.⁸² Since so few resources are available and stigmatization is prominent, there is no visible sex worker pride or rights movement in Poland either and working conditions are poor.

6. Conclusions and Recommendations

Reflecting on the four different case studies, it is clear that each country has slightly different ways of implementing their similar legal frameworks. Each has their own problems to overcome but some trends have definitely emerged through my research. Legalization regulations must be cautious of creating a two-tier effect by privileging certain forms of sex work over others. Mandatory registration is an ineffective means of trying to help sex workers because of anonymity concerns and stigma. Health care and supportive vocational services should be offered but not forced onto sex workers. Disconnects between federal and local level authorities regarding prostitution can lead to troublesome zoning inconsistencies that again lead to the establishment of unregulated sectors of prostitution, heightening the risk of victimization and organized crime.

The most common response to the question posed at the beginning of this paper was advocates, activists, and sex workers all called for the eradication of stigmatization. This is understandably easier said than done, but this was the foundational way all foresaw the conditions of sex workers improving. Education is the most useful tool for combating stigma. States should fund and work with sex workers’ rights organizations to implement educational seminars provided in schools and to clients talking about the sex industry, promoting safe sex practices, and tips on being a conscious consumer. Also, any employers that exhibit bias hiring practices toward sex workers should be punished under the law.

Another universal recommendation was making social services available. Though the ways in which each person saw this being realized varied, all of my interviewees agreed sex workers should have access to these. To be specific, sex workers should have access to health care, which requires that commercial sexual acts be recognized as legitimate labor. Expanding upon health care coverage, there should be free clinics that offer safe sex education as well as HIV and STD testing. These tests should not be mandated but simply available. Along the same line of social services, a promising suggestion (though not as commonly proposed) was vocational peer-led trainings. An excellent example of this from my case studies was the services offered by HYDRA in Germany. They had classes for people looking to get into the sex industry to inform them of safe sex practices, safety tips, and other practical advice given by sex workers to sex workers, therefore trying to subvert power dynamics. HYDRA also offered career counseling to women planning on leaving the sex industry. It is very important that these services be conducted on a peer (sex worker to sex worker) basis as much as possible because of power dynamics and a shared understanding of stigma. Finally, sex workers should have access to social security and pensions, just like with other employment.

In order to implement these policies, governments’ approaches must be less top-down and state-centered but rather acknowledge that policy must be supplemented by nongovernmental organizations because policy is not enough to erase stigma. By cooperating with grassroots organizations such as Germany’s HYDRA and allowing space for activists to be heard in legislative discussions concerning prostitution, governments may gain a better understanding of what the most effective policies for their countries are. Many of the problems that my interviewees pointed out stemmed from disconnects between the legislators and those whom they were legislating about.

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