

ESF Exploratory Workshop on

**EXPLORING AND COMPARING PROSTITUTION  
POLICY REGIMES IN EUROPE**

London (UK), 15-17 September 2010

Convened by:  
**Isabel Crowhurst, Joyce Outshoorn  
and May-Len Skilbrei**

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**SCIENTIFIC REPORT**

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## 1. Executive summary

The workshop was held at Birkbeck, University of London, London (UK), over three days. It was attended by 18 participants: both junior and senior researchers from a range of methodological and disciplinary approaches, and based in nine ESF member countries.

The workshop looked at contemporary policies regulating prostitution and commercial sex in Denmark, France, Germany, Italy, the Netherlands, Norway, Portugal, Sweden, and the United Kingdom. The objectives were to broaden our understandings of how prostitution is constructed and regulated in each of these countries, and to begin to undertake cross-national and comparative analysis of the prostitution policies adopted, and their modes of implementation. The workshop also aimed at exploring ways in which research can make a concrete contribution towards the improvement of how prostitution and commercial sex are regulated in different European countries.

The event started off with lunch followed by a short welcoming note by the director of the Birkbeck Institute for Social Research, an introduction by the workshop convenor, and a brief presentation about the ESF.

The afternoon proceeded with the first session comprising three 25-minute presentations by individual participants – Joyce Outshoorn, Jeanett Bjønness and Rebecca Pates – on their country of expertise – the Netherlands, Denmark and Germany respectively. The three national case-study presentations were commented upon by the discussant, Hendrik Wagenaar, and were followed by a general discussion.

The second day was structured in a similar manner, with a morning and an afternoon session, in each of which three national cases were presented, then commented by a discussant, and followed by an open discussion. More specifically, in the morning, Isabel Crowhurst, Lilian Mathieu and Madalena Duarte's papers on Italy, France and Portugal respectively, were commented by Daniela Danna; and in the afternoon, May-Len Skilbrei gave a presentation on Norway, Ola Florin on Sweden and, jointly, Teela Sanders and Jo Phoenix on the UK, and were discussed by Belinda Brooks-Gordon. All three sessions were followed by lively discussions that addressed both ontological and epistemological issues related to the investigation of diverse prostitution policy regimes in Europe.

The national case studies presentations were based on papers/notes that had been circulated to all of the participants in advance of their attendance. The presenters had also been given a set of questions/issues to address in the papers/presentations in order to facilitate comparative analysis; these included:

- A brief historical overview of developments in prostitution policies, their implementation practices, the role of social services or/and other relevant agencies, and the historical construction of prostitution in the country.
- Overview of the current prostitution regime and the factors/forces that account for its establishment.
- Are new proposals being discussed to change the current prostitution policy in the country? If so, what 'model' are they following? What are the issues raised in favour or opposition to these new proposals?

- Who is involved / interested / intervenes / has influence in the regulation of prostitution in the country (apart from sex workers themselves)?
- What are the impacts that the current prostitution regime has on the working and living conditions of sex workers (income, control over working conditions, health, safety, rate of violence against sex workers by police, pimps, clients and others, freedom to organise, job satisfaction, family life, etc.)
- Whether sex workers are or attempted to organise in the country. If not, why not? If so, what typology of organised group have they formed, when? What are the main claims and demands?
- Are there any tensions, in terms of claims and demands, within sex workers' organisations?
- Are sex workers and their organisations (if applicable) represented/participate in public life and policy making?
- How are discourses and policies on sex trafficking affecting the regulation of prostitution in the country?

The last day was divided into two sessions. The first was a round table discussion in which Radka Dudova, Jo Phoenix, Jane Scoular, Dag Stenvoll and Marjan Wijers commented upon some of the issues and problems raised in the course of the previous days, and also suggested some new directions and methodological approaches that could be considered in future comparative research of prostitution policies and their impacts.

In the last session the participants discussed plans for future research collaborations. A collective publication was proposed, and a deadline was set for those who intend to send the convenors an abstract for consideration. A group of participants also agreed to form a 'steering group' to lead possible future research collaborations. Given the paucity of comparative research on European prostitution policy regimes, it was agreed that we should capitalise on the work that began in the course of the workshop, with a view to developing further the theoretical and methodological foundations of future collaborative, comparative work in this field.

Overall, the workshop proved to be an intense and lively event, with the structure of the programme allowing ample space for discussion, networking and informal exchanges, over lunch, the coffee breaks, and also during the two evening dinners.

## 2. Scientific content of the event

**The first day, Wednesday 15<sup>th</sup> September**, started with a buffet lunch, which gave an opportunity to all participants to introduce themselves to each other and start informal conversations about their work in the field. After lunch, the general welcome was given by the director of the Birkbeck Institute for Social Research, Sasha Roseneil, followed by Isabel Crowhurst, one of the convenors, who took the floor to emphasise the objectives of the workshop and some of the key questions informing the scientific rationale of the meeting. The ESF rapporteur could not make it to the event, however, a Power Point Presentation on the ESF objectives, actions and programme was shown.

These introductory notes were followed by the first presentations session on prostitution policies in: the Netherlands, Denmark, and Germany.

In her paper on the Netherlands, Joyce Outshoorn discussed the decriminalization of sex work in the Netherlands in 2000, which hinges on the distinction between voluntary and forced prostitution, recognizing the former as sex work with social rights. Consecutive studies on the impacts of this legislation show that sex workers have not been able to achieve these rights and migrant sex workers from non-EU countries are still undocumented workers without rights or protection. The state itself creates bad working conditions in the sex industry by creating illegal migrants. Outshoorn pointed out that recent proposals to amend the law will not improve the position of sex workers.

Jeanett Bjønness gave the second country presentation about Denmark, mapping out different positions and actors involved in the Danish debate over what prostitution policies are best to apply. Prostitution has been constructed as a social problem for a long time, however, the issue of criminalising the purchase of sexual services has gained momentum only in the last few years. Bjønness highlighted some problems with the knowledge produced in Denmark in these debates, due to the assumption that prostitution is a social problem in itself.

The German case was presented to the group by Rebecca Pates. She detailed how an Omnibus Act of the sex industry was introduced in Germany in 2002, awarding people who sell sex a social insurance, and making sexual services almost equal to other forms of services. Pates described how this law, with one exception, had not been implemented. This, she explained, needs to be understood in the context of the political and administrative resistance that, to some degree, is linked to the political history of East and West Germany respectively and to the political-administrative structure of Germany.

The three case presentations were discussed by Hendrik Wagenaar. He gave some suggestions on how we can approach the issue of prostitution policies and how we can carry out comparable/comparative work. Wagenaar pointed to the need for clearer definitions of the concepts applied and to a number of methodological challenges related to this. He also stressed the need to be careful in comparing figures across national contexts and over time.

The general discussion following the three case presentations and the discussant's comments, took up issues such as coercion and exploitation, linked to Wagenaar's caution to be stringent in concept use. Another point of departure in the general discussion was how comparative work is currently framed within a European context. Data about European prostitution policies are mainly produced as a step towards developing best practices, and this framework has implications for the knowledge produced. Research on prostitution is

generally highly politicised in several of the countries represented at the workshop, and this is a challenge in developing comparative analysis. A point made visible in the country presentations and in the discussant's comments, was how the non-implementation of national laws and regulations at the local level is central to the ways in which prostitution is dealt with. This consideration strengthened the point that comparisons have to address not only what policies are in place, but also if and how they are implemented.

**The second day, Thursday 16<sup>th</sup> September 2010**, started with the second presentations session on prostitution policies in Italy, France and Portugal.

In her presentation, Isabel Crowhurst gave a brief overview of the evolutions in the regulation of prostitution in Italy since the mid 19<sup>th</sup> century. By looking at current prostitution law proposals, she also showed how conspicuous in prostitution policy discourse in Italy is the almost exclusive concern for street prostitution, which is conceptualised as a threat to public safety and morality. Crowhurst also discussed the impacts that recent public security regulations have had on the organisation of prostitution in Italy and their negative repercussions on prostitutes' lives.

Lilian Mathieu proceeded with his presentation of prostitution policies in France, in which he explained that the evolution of laws on prostitution in the country reflects a move from its understanding as an issue of morals, to one of human dignity, in which prostitutes are conceptualised as victims. Recent developments, however, show a paradox in the way the human rights rhetoric is used in order to legitimate coercive policies against street prostitutes, that mainly aim at protecting the public order.

After presenting a historical background on prostitution policy regimes in Portugal, Madalena Duarte, explained that current regulation is characterised by an absence of explicit legislation on prostitution, where even the term prostitution itself is never mentioned in key policy documents, including the National Plan for Equality. Duarte argued for the necessity of applying a "sociology of absence" in analysis of prostitution policies. The legal void in Portugal has heavy negative repercussions on the living and working conditions of prostitutes. Moreover, Duarte pointed out that the support that prostitutes receive from a small number of NGOs is seen as charitable assistance, and not integrated in any welfare programme.

Daniela Danna acted as discussant to these three papers. She noted that there are parallels in historical changes of prostitution policy regimes, from regulation to abolitionism, and more recently, since the 1970s, with a search for new models for the regulation of prostitution. She also pointed out that new regulationism is theoretically based on a non-moral position, but this is contradicted at the implementation stages. Danna suggested that we should not just look at the evolution of political process, but also at all the social actors involved. Another important point raised was that, whilst debates on prostitution differ in each country, migration has become a common feature of these debates, in all our countries and beyond. The role of the police in the enforcement of prostitution policies was also pointed out. How do the police position their role in the regulation of prostitution and in policy enforcement? In Italy, for example, the police are most feared by sex workers, and keep acting as a highly repressive force also in France. What is the situation in other countries?

In the course of the general discussion, a number of clarifying questions were asked to the presenters, and some important issues were also brought up. For example, some terms, - e.g. abolitionism, regulationism, but also sex work and prostitution - are often used with different meanings in different national contexts. This point has great relevance in comparative research, as mentioned before, where the shifting significance of key terms must be clear, also in relation to what contributes to these changes in meaning. Another aspect that emerged was how, in some countries more than others, the fight against AIDS/HIV/STIs had been taken forward by sex workers' organisations. The participation of the LGBT movement in the cause of sex workers' organisations also varied between countries, and appeared to be minimal in the case of Italy, France and Portugal. The issue of public nuisance was also discussed, with different views about whether it is a 'real' problem or one that is manipulated to increase the stigma around street prostitution.

The third presentations session on Norway, Sweden and the UK started after lunch, on Thursday afternoon.

May-Len Skilbrei presented the Norwegian case. Norway introduced a prohibition of purchasing sexual services in 2009, and Skilbrei described some of the debates and developments leading up to this policy reform. There are additional changes in legislation in Norway, in the regulation of third-party involvement and a decriminalisation of aspects of offering sex for money, but these have received considerably less attention. Skilbrei pointed to the great problems involved in establishing how policy reforms come about: there will always be competing interpretations of these processes, and in establishing what the appropriate context to understand these reforms within is.

Ola Florin gave his presentation on contemporary Swedish prostitution law. The so-called 'sex purchase law' was introduced in 1999 with the Swedish government aiming also at providing a model to be followed by other countries. However, Florin argued, the 'Swedish model', as it was originally intended, has not happened yet. The sex purchase law was meant to complement a strategy of social interventions which has not been put in place. Political, conceptual as well as practical difficulties have contributed to this.

Teela Sanders and Jo Phoenix gave a shared presentation of the policy situation and debates in the UK. They described a move towards increasing control being exerted towards people involved in prostitution, but in new ways compared to what happened before. This control is maintained through a combination of means awarded through different frameworks, including child protection and criminal justice mechanisms oriented towards exiting prostitution.

In her discussion of the three papers, Belinda Brooks-Gordon emphasised the lack of institutional memory among policy administrators which was evident, for example, in the British response to the repeated murders of prostitutes that took place in the country in the past few years. Brooks-Gordon also pointed out the important role of the police in influencing prostitution policies, as well as that of the media, with its frequent use of unreliable figures.

In the course of the general discussion, the importance of comparing policy *regimes* and not only laws was emphasised, particularly because of the need to problematise the relationship between the criminal justice approach and social work. The participants also addressed the obsession with figures displayed by some governments. Data per se, it was pointed out, often mean little, especially when there is nothing, or little, to compare/measure them with. That research underpinning many policy measures is rarely self-reflective and often based

on narrow empirical evidence was also discussed, especially in relation to the fact that policy makers at times seem to avoid empirical evidence in the first place. Moral politics, it was argued, are immune to facts, but we should continue to carry out empirical-based research to explode myths. An important point for comparison was discussed in relation to whether NGOs in the countries analysed are financially dependent on public funding, and the difference that this makes to the typologies of services they offer.

**Friday 17<sup>th</sup> September**, the third and last day, opened with a round table discussion in which five discussants made brief interventions aimed at highlighting some of the main issues raised in the course of the previous days, and at signalling some theoretical and methodological ways to proceed with the comparative work started in the course of the workshop.

Radka Dudova noted the recurrent use of different conceptualisations of prostitution, including: the sanitary framing, which came with the rise of HIV/AIDS epidemic; the widespread framing of prostitution as a public nuisance problem; and the approach that labels prostitutes as immoral for earning money in an easy way. More recent approaches have seen the targeting of clients as the problem, thus shifting responsibility from women to men, but also to other countries. New is also the scale of migrant prostitution and attached to it, new discourses in which the racialisation of migrant prostitutes predominates in popular constructions of the phenomenon.

Jo Phoenix questioned whether public policy can solve the problems that were highlighted in the previous days, and warned against analysis that are too far away from the grass roots level. She asked whether it is possible to come up with solutions which combine both policies and practices and that also take into account social and economic changes.

Jane Scoular addressed the relationship between law and society - law does not work “on” society or is shaped by it, law and society constitute each other. She explained that in her comparative work she had observed that different prostitution policies often end up having the same (unintended) results. In this sense, law and our exploration of it, are key to fully comprehend the power of disciplinary mechanisms. Scoular also proposed a methodological approach that could be utilised in future comparative research.

Dag Stenvoll pointed out that one aspect that had not been discussed much in the course of the workshop, despite its great relevance, is the role of information, as well as media constructions of prostitution and trafficking, both of which have a profound impact on people’s ideas and imaginations. He also pointed to the fact that a reason for doing research on prostitution policies is not only to explore how people involved in prostitution are managed through this, but also how normativity is established through the non-normative, e.g. how “the prostitute” or the “John” are construed.

Marian Wijers noted that in the nine countries analysed, states define what prostitution is, and what sex workers need, thus denying them any agency. But we should also ask: what do sex workers think of the state and what do they want from it? What makes the mobilization of sex workers difficult is precisely the lack of confidence in the state. Moreover, she also pointed out, there is still scarcity of research addressing the impacts of regimes on life on the ground, e.g. police violence, how prostitutes work, their income, and family relations.

In the course of the general discussion, the importance of doing research about how the enforcement of prostitution policies impacts prostitutes and their lives was further emphasised. In general there is a dearth of research on the effects of prostitution policies, which generally is symbolic in nature, and often has unintended consequences. There is a danger that researchers take part in reifying politics through their research. It was pointed to how postcolonial perspectives can be a fruitful starting point of analysis to deal with the challenges of thinking outside “the box”.

### **3. Assessment of the results, contribution to the future direction of the field, outcome**

The general feeling of the meeting was that our discussions have been very fruitful in showing the diversity of policies, but also in showing the current lack of knowledge about the effects of various policy regimes, the paucity of reliable figures and the theoretical confusions around concepts. Some areas of analysis that emerged as important for future research included: the differences in meaning of various key concepts adopted in policies and research on prostitution; how the non-implementation of prostitution policies should be understood; the financial/political (in)dependence of organisations providing support to prostitutes; the accountability of these institutions, as well as their standards in the provision of social assistance; the role of the police in the enforcement of prostitution policies; the role of the media and information campaigns in forming public and political opinions; the effects that prostitution policies have on prostitutes’ working conditions, and their personal lives.

In the course of the last meeting, the participants discussed what follow up actions can be taken to capitalise on the work done in the course of the workshop. As far as future research projects are concerned, it was agreed that, at this stage, it is too early to formulate a full-fledged research project. Another meeting to develop some of the theoretical and methodological issues that were raised in the course of the workshop was seen as the best next step forward, before designing a cross-national comparative project. For this purpose, a steering group has been established to set up a follow-up event and to explore ways in which this can be organised and funded.

In addition to these initiatives, it was also decided to explore the possibility of publishing a collection resulting from the contributions made at the workshop. Those who are interested in this will send an abstract to the convenors by 1<sup>st</sup> November 2010, and the latter will then assess whether the contributions collected would best suit a journal special issue, an edited book, or a working papers collection.



## 4. Final programme

### Wednesday, 15 September 2010

12.30 -14.00	<i>Lunch</i>
14.00-14.20	<b>Welcome by the director of the Birkbeck Institute for Social Research <a href="#">Sasha Roseneil</a> (Birkbeck, London, UK) and the workshop Convenor <a href="#">Isabel Crowhurst</a> (Birkbeck, London, UK)</b>
14.20-14.30	<b>Presentation on the European Science Foundation (ESF)</b>
<b>14.30-17.35</b>	<b>First Session: Prostitution policies in: the Netherlands, Denmark, and Germany</b>
14.30-14.55	<b>Presentation 1 "Prostitution policies in the Netherlands"</b> <a href="#">Joyce Outshoorn</a> (Leiden University, Leiden, NL)
14.55-15.20	<b>Presentation 2 "Prostitution policies in Denmark"</b> <a href="#">Jeanett Bjønness</a> (University of Aarhus, Aarhus, DK)
15.20-15.50	<i>Coffee / Tea Break</i>
15.50-16.15	<b>Presentation 3 "Prostitution policies in Germany"</b> <a href="#">Rebecca Pates</a> (Leipzig University, Leipzig, DE)
16.15-16.35	<b>Discussant's Comments: <a href="#">Henk Wagenaar</a> (Leiden University, Leiden, NL)</b>
16.35-17.35	<b>General Discussion</b>
19.30	<i>Dinner</i>

### Thursday, 16 September 2010

09.10-09.30	<i>Coffee</i>
<b>09.30-12.35</b>	<b>Second Session: Prostitution policies in Italy, France and Portugal</b>
09.30-09.55	<b>Presentation 1 "Prostitution policies in Italy"</b> <a href="#">Isabel Crowhurst</a> (Birkbeck, London, UK)
09.55-10.20	<b>Presentation 2 "Prostitution policies in France"</b> <a href="#">Lilian Mathieu</a> (Ecole Normale Supérieure de Lyon, Lyon, FR)
10.20-10.45	<b>Presentation 3 "Prostitution policies in Portugal"</b> <a href="#">Madalena Duarte</a> (University of Coimbra, Coimbra, PT)
10.45-11.15	<i>Coffee / Tea Break</i>
11.15-11.35	<b>Discussant's Comments: <a href="#">Daniela Danna</a> (University of Milan, Milan, IT)</b>
11.35-12.35	<b>General Discussion</b>
12.35 -14.00	<i>Lunch</i>
<b>14.00-17.05</b>	<b>Third Session: Prostitution policies in Norway, Sweden and the UK</b>
14.00-14.25	<b>Presentation 1 "Prostitution policies in Norway"</b> <a href="#">May-Len Skilbrei</a> (Fafo Institute, Oslo, NO)

14.25-14.50	<b>Presentation 2 “Prostitution policies in Sweden”</b> <b>Ola Florin</b> (National Board of Health and Welfare, Stockholm, SW)
14.50-15.15	<b>Presentation 3 “Prostitution policies in the UK”</b> <b>Teela Sanders</b> (University of Leeds, Leeds, UK)
15.15-15.45	<i>Coffee / tea break</i>
15.45-16.05	<b>Discussant’s Comments: Belinda Brooks-Gordon</b> (Birkbeck, London, UK)
16.05-17.05	<b>General Discussion</b>
19.30	<i>Dinner</i>

## Friday, 17 September 2010

09.00-09.15	<i>Coffee</i>
<b>09.15-13.00</b>	<b>Final day discussion and planning</b>
09.15-10.30	<b>Roundtable Discussion with: Radka Dudova</b> (Leiden University, Leiden, NL), <b>Jo Phoenix</b> (Durham University, Durham, UK), <b>Jane Scoular</b> (University of Strathclyde, Glasgow, UK), <b>Dag Stenvoll</b> (Uni Rokkan Centre, Bergen, NO), and <b>Marjan Wijers</b> (Independent Researcher, Utrecht, NL).
10.30-11.00	<b>General Discussion</b>
11.00-11.20	<i>Coffee / Tea Break</i>
11.20-13.00	<b>Plans for follow-up research activities and/or collaborative actions</b>
13.00-14.30	<i>Lunch</i>

## 5. Final list of participants

Jeanett BJØNNESS, University of Aarhus, Department of Ethnography and Anthropology, DK

Belinda BROOKS-GORDON, Birkbeck, Department of Psychological Sciences, UK

Isabel CROWHURST, Birkbeck Institute for Social Research, Birkbeck, UK

Daniela DANNA, Università degli studi di Milano, Dipartimento di studi sociali e politici, IT

Madalena DUARTE, University of Coimbra, Centre for Social Studies, PT

Radka DUDOVA, Leiden University, Faculty of Social and Behavioral Sciences, NL

Ola FLORIN, National Board of Health and Welfare, SW

Lilian MATHIEU, CNRS, Ecole normale supérieure de Lyon, FR

Julia O'CONNELL DAVIDSON, University of Nottingham, School of Sociology and Social Policy, UK

Joyce OUTSHOORN, Leiden University, Faculty of Social and Behavioural Sciences, NL

Rebecca PATES, Department of Political Science, Faculty of Social Sciences and Philosophy, Leipzig

Jo PHOENIX, Durham University, School of Applied Social Sciences, UK

Teela SANDERS, University of Leeds, Department: School of Sociology and Social Policy, UK

Jane SCOULAR, University of Strathclyde, Law, Humanities and Social Science, UK

May-Len SKILBREI, Fafo Institute for Applied International Studies, NO

Dag STENVOLL, Uni Rokkan Centre for Social Studies, NO

Hendrik WAGENAAR, Leiden University, Department of Public Administration, NL

Marjan WIJERS, Independent Researcher, NL

## 6. Statistical information on participants

### *Participants per country of employment*

Denmark: 1

France: 1

Germany: 1

Italy: 1

Norway: 2

Portugal: 1

Sweden: 1

The Netherlands: 4

United Kingdom: 6