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# Regulation of prostitution in the European Union

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Laws and policies in selected EU Member States

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IN-DEPTH ANALYSIS

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Explaining the various approaches to prostitution in the European Union (EU), this paper begins by presenting the ideological underpinnings of prostitution policies. It also looks at the different prostitution 'policy models' and the essential elements of the EU-level debate on prostitution. The paper goes on to describe laws and policies in selected EU Member States, offering an overview of the range of national frameworks in place.

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## Executive summary

Drawing on diverse underlying rationales, policies on prostitution – in the EU and elsewhere – vary both in their objectives and in their strategies for achieving those objectives. These distinctions manifest in the terminology used, with 'prostitution' typically favoured by stakeholders aiming to curb or eradicate the practice, and the term 'sex work' embraced by those who view prostitution as a legitimate form of employment.

Formulating policies on prostitution presents numerous challenges, including a lack of comprehensive statistical data. However, these policies often lack emphasis on the importance of evidence-based approaches – shaped instead by ideological beliefs and moral perspectives. While discussions on prostitution transcend feminism, feminist ideologies have had a particularly strong impact on policy formulation.

Academic classification of prostitution policies into national models or regimes is subject to ongoing debate, with criticism directed towards the 'model approach' for oversimplifying the complexities of these policies and failing to capture regional and local variations. Traditionally, policies have been categorised into overarching ideological approaches: 'prohibitionism', which seeks to outlaw all aspects of prostitution; and 'abolitionism', which focuses on criminalising the facilitation and purchase, but not the sale of sexual services. However, there is a growing tendency towards classifying policies as falling under criminalisation (of purchase or sale), legalisation (regulation) or decriminalisation.

Given the EU's lack of explicit authority to regulate prostitution, which falls within the exclusive competence of individual Member States, stakeholders both within and outside EU institutions advocate framing prostitution as a problem linked to areas where the EU does have competence; these include gender equality, violence against women, human trafficking, and the free movement of services. With the European Commission and the Council largely silent on the issue, debates predominantly occur within the European Parliament, and are marked by strong disagreements between Members subscribing to opposing approaches.

Prostitution is subject to varying regulations across the EU, leading to a diverse array of national legislative and policy frameworks. Member States differ as to how they address the sale or purchase of sex, as well as the exploitation of prostitution. This variety is due not only to EU Member States' different historical and cultural backgrounds, but also to the current local state of affairs, especially as regards the situation in the field, and the priorities of the governments in power. In some Member States, there is a strong concern that prostitution constitutes violence against women. Those States usually tend to penalise buyers of sexual services. By contrast, some other Member States recognise that 'sex work' is a voluntary choice for some and tailor their legal frameworks accordingly.



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# 1. Introduction

The European Parliament has characterised prostitution as 'the purchase of a sexual act, which can be defined as the solicitation, acceptance or obtainment of a sexual act from a person in a situation of prostitution in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit'.<sup>1</sup> However, the context behind this general definition is continually evolving, with new online forms of sexual services emerging, such as webcams, sex chats and self-produced internet content.<sup>2</sup>

Alongside 'prostitution', the term 'sex work' has emerged to acknowledge the sale of sex as a legitimate form of employment, and avoid the social stigma attached to the term 'prostitution'. Nonetheless, both 'prostitution' and 'sex work' terminology (advocated by sex worker associations and international human rights organisations) is contested. Additionally, the term 'sex work' encompasses a broader range of sex-related activities, not merely the direct purchase of sex. Unless it is pertinent to use the term 'sex work', this paper employs the terms 'prostitution' and 'individuals' or 'persons' engaging in prostitution in an impartial manner, avoiding alignment with any particular stance in the ongoing debate.

We know little about the size of prostitution markets in the EU owing to the dearth of reliable statistics. The same can be said about trafficking in human beings for sexual exploitation (referred to in this paper as human trafficking),<sup>3</sup> a form of crime with a complex relationship with prostitution, subject to ongoing debate.<sup>4</sup> This scarcity can be attributed to both practical reasons, such as the partially concealed nature of the issue and the high mobility of individuals engaging in prostitution, and conceptual challenges, including problems in defining key categories.<sup>5</sup> Notably, the highly morally and politically charged nature of prostitution and the stigma attached to it affect knowledge production, with participants in the sector unwilling to take part in research.<sup>6</sup> This lack of reliable statistics is one of the main challenges encountered when formulating prostitution policies.

The regulation of prostitution in the EU presents a complex landscape characterised by diverse frameworks and underlying rationales. It is the subject of ongoing debate, as policy makers continue to seek to address both the supply and demand aspects. Jurisdictions differ as to how they tackle selling or purchasing sex, as well as the exploitation of prostitution. Typically, (but not always) they tackle such issues by criminalising third-party involvement, such as pimping, pandering, procuring,

<sup>1</sup> European Parliament [resolution](#) of 14 September 2023 on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights ([2022/2139\(INI\)](#)).

<sup>2</sup> See Z. Lasocik and Ł. Wieczorek, [Legal and social implications of sexual services other than prostitution: Prawne i społeczne konsekwencje usług seksualnych innych niż prostytucja](#), Archives of Criminology, (XLII/2), 2023. The article was published under the project entitled '[Demand for sexual exploitation in Europe – DESIrE](#)' co-funded by the EU Internal Security Fund.

<sup>3</sup> [Understanding EU action against human trafficking](#), briefing, M. Prpic, EPRS, European Parliament, 2023. Since 2008, Eurostat has collected and made available EU-wide [data](#) on the number of victims of human trafficking for various forms of exploitation. However, this relates only to registered victims (persons identified by the relevant formal authority or by other national and non-national authorities).

<sup>4</sup> See e.g. A. Weatherburn, Z. Lasocik, Ł. Wieczorek, K. Rejmer-Jobczyk, and P. De Hert (Ed.), [DESIRE deliverable 5.2 DESIrE Final Report and Recommendations](#), 2019; Cho, Seo-Young, A. Dreher, and E. Neumayer, [Does Legalized Prostitution Increase Human Trafficking?](#), World development 41, 2013; S. Lee and P. Persson, [Human Trafficking and Regulating Prostitution](#), *American economic Journal*, Economic policy 14.3, 2022; R. Weitzer, [Sex trafficking and the sex industry: the need for evidence based theory and legislation](#), *The journal of criminal law & criminology* 101.4, 2011.

<sup>5</sup> H. Wagenaar, S. Altink, and H. Amesberger, [Designing Prostitution Policy: Intention and Reality in Regulating the Sex Trade](#), Policy Press, 2017, pp. 54–61; S. Jahnsen and H. Wagenaar, [Assessing Prostitution Policies in Europe](#), Routledge, 2017, p. 8.

<sup>6</sup> P. Östergren, [From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies](#), DemandAT Working Paper No 10, 2017, p. 19–20.

and running brothels. This paper explores the different EU Member State approaches to regulating prostitution, the national context, and both EU-level and national discussions on prostitution policy.

## 2. Ideological underpinnings of prostitution policies

Prostitution policies are grounded in moral and ethical considerations regarding sexuality and gender roles. Some view prostitution as immoral, leading to policies aimed at eradicating or heavily regulating it to uphold societal moral standards. Guided by public safety (including public health) concerns, policies may seek to restrict prostitution, particularly in view of the transmission of sexually transmitted infections. Others are primarily concerned with human rights and the dignity of individuals engaging in prostitution, advocating action to protect the autonomy, safety, and wellbeing of those concerned.

Overall, prostitution policies tend to be driven by ideological beliefs and moral perspectives, rather than empirical evidence (which is often lacking) or practical considerations. They are a prime example of 'morality politics',<sup>7</sup> a designation used for 'policies that are explicitly ideological, a proxy for a larger cause, almost exclusively owned by the general public, impervious to facts, discussed in emotionally highly charged language, concerned more with the symbolism of strong measures than the details of implementation, and prone to sudden policy reversals.'<sup>8</sup> While all policy-making can be viewed as a contest over the implementation of fundamental societal values, a context of public disagreement influences certain policies more than others. Interestingly, in the case of prostitution, this discord does not neatly align with the typical left-right or liberal-conservative political divide.

Over time, two diametrically opposed understandings of commercial sex have developed. One view perceives prostitution as an inherently negative social phenomenon that should be eliminated or restricted. The other sees a multifaceted phenomenon with negative elements best tackled by integrating the 'sex work' sector into the societal framework.<sup>9</sup> While the discourse on prostitution transcends feminism, feminist ideologies have significantly influenced these divergent understandings, with radical feminists and liberal feminists offering contrasting perspectives.

Radical feminists perceive prostitution as a manifestation of patriarchal oppression and advocate for its abolition, equating it to 'sexual slavery' and asserting that it represents violence against women, both actual and symbolic. They refer to individuals selling sex as 'prostitutes', 'prostituted women', or 'survivors', framing the issue within a discourse of 'modern slavery' and 'paid rape'. Their language underscores the lack of choice experienced by those persons, whom they consider victims of circumstance, often citing evidence of high rates of childhood sexual abuse among women involved in prostitution.<sup>10</sup> Consequently, they view consent as illusory, since it cannot exist in the context of male domination and patriarchy. Radical feminists attribute the root cause of human trafficking – which they perceive as closely linked to prostitution – to male demand for the purchase of sex.

By contrast, liberal feminists prioritise individual agency and advocate for the legalisation or decriminalisation of prostitution, framing it as a matter of choice and empowerment for consenting

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<sup>7</sup> F. Foret and L. Rubio Grundell, [European Morality Politics in the European Union: The Case of Prostitution](#), *Sexuality & Culture* 24.6, 2020; H. Wagenaar and S. Altink, [Prostitution as Morality Politics or Why It Is Exceedingly Difficult To Design and Sustain Effective Prostitution Policy](#), *Sexuality Research and Social Policy* 9(3), 2012.

<sup>8</sup> H. Wagenaar, S. Altink and H. Amesberger, [Final Report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands](#), Platform 31, 2013.

<sup>9</sup> P. Östergren, [op. cit.](#), p. 9.

<sup>10</sup> L. Connolly, [Debates on prostitution: an introduction to feminist politics and their influence upon international policy and practice](#), in: F. Jacob, (ed.) *Prostitution: A Companion of Mankind*, Peter Lang, 2016, pp. 2-3.



adults. While acknowledging exploitation and inequality within the industry, they adopt a harm reduction approach, emphasising the need to protect the rights and wellbeing of 'sex workers' while addressing underlying issues. Coined by Carol Leigh in the 1980s to remove the stigma associated with 'prostitute' the term 'sex worker,' is rejected by radical feminists yet embraced by liberal feminists as recognising sex work as legitimate labour.<sup>11</sup>

These divergent views underscore the complexity of feminist perspectives on prostitution. However, the discourse surrounding prostitution extends beyond the confines of feminism. These positions are largely representative of two broader opposing factions, often referred to as 'abolitionists' and the 'sex work movement'.

## 3. Typology of approaches to prostitution

### 3.1. Prostitution policy models

In academic discourse, it is customary to differentiate between national policy models or regimes, which are frameworks of laws and practices governing prostitution that influence its operations within specific jurisdictions in distinct ways.<sup>12</sup> Debate on the typology, terminology, and conceptual validity of these regimes is ongoing.

Traditionally, prostitution policies have been categorised into overarching ideological approaches of 'prohibitionism' and 'abolitionism.' **Prohibitionism** would ban all aspects of prostitution, including the sale of sex. In contrast, **abolitionism** would penalise the facilitation and purchase of sexual services alone. Policies specifically targeting demand by criminalising the purchase of sex (clients), but not people engaging in prostitution (considered victims) are referred to as '**neo-abolitionist**' (see the 'Nordic model' below). Recently, however, academics have increasingly used a three-fold classification system, which includes criminalisation (sometimes further categorised into criminalisation of the purchase of sexual services and the sale of sexual services), legalisation (or regulation), and decriminalisation.

**Criminalisation** models stem from the perception of prostitution is a threat to public order or a form of violence against women that needs to be eradicated. While the criminalisation of sex sellers is uncommon in the EU, the 'Swedish model', which aims at criminalising clients (typically assumed to be male) while not criminalising individuals engaging in prostitution (assumed to be female, considered as victims and therefore offered protection and support to exit prostitution) has risen in popularity in recent decades. Pioneered by Sweden, this regime is also known as the '**Nordic model**', as there is a widely shared belief that the adoption of laws criminalising the purchase of sexual services in Sweden, later followed by Norway and Iceland, represents the emergence of a unified Nordic approach to prostitution.<sup>13</sup> The legislative reform in Sweden was introduced with a view to advancing gender equality by using the law as a normative tool to communicate to the public that commercial sex was not acceptable.<sup>14</sup> Sweden has made efforts to 'export' this legislation and sought

<sup>11</sup> L. Connelly, [op. cit.](#), p. 6.

<sup>12</sup> J. Outshoorn, Introduction: Prostitution, Women's Movements and Democratic Politics in J. Outshoorn (ed.), [The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce](#), Cambridge University Press, 2004.

<sup>13</sup> For a different outlook, see S. Kingston and T. Thomas, [No model in practice: a 'Nordic model' to respond to prostitution?](#), *Crime Law and Social Change*, 71(1), 2019.

<sup>14</sup> N. Vuolajärvi, [Criminalising the Sex Buyer: Experiences from the Nordic Region](#), policy brief 06/2022, London School of Economics, 2022, p. 3.

to influence political debates at the international level.<sup>15</sup> As a result, the Nordic approach has become one of the most prominent prostitution policy models in international discussions. Its success is claimed both in the EU and elsewhere, leading several states to enact similar laws.<sup>16</sup>

The **legalisation** (regulation) approach acknowledges prostitution as a potentially risky form of employment that requires harm reduction measures. In this framework, the sale, purchase and organisation of voluntary sexual services are legal, subject to specific regulations aimed at protecting public interests, particularly public health and safety. The sale and facilitation of sexual services are typically licenced. Prominent examples of this approach – advocated by liberal feminists and other proponents of liberal ideologies – include the German and Dutch<sup>17</sup> policies.

Similar to legalisation, **decriminalisation** models recognise prostitution as a form of labour and aim to minimise the associated harm, but they clearly prioritise the human rights of individuals engaging in prostitution. Under these models, the sale, purchase and organisation of voluntary sexual services are 'decriminalised' and thus legal and not subject to any specific regulation. This approach was first implemented in New Zealand and subsequently in Belgium in 2022. It was developed in collaboration with sex-worker organisations, which also advocated for this model in other contexts, supported by various liberal stakeholders.

### 3.2. Criticism of the 'policy model' concept

While the model concept is commonly employed, critics argue that it inadequately captures the intricate and multi-faceted nature of prostitution policy. One of the primary criticisms is that the concept overlooks the complexities of policy implementation, failing to consider the numerous small decisions that may deviate from officially stated intentions and consequently produce outcomes that diverge from the intended goals. Prostitution policy is implemented by regional and local authorities, resulting in significant variations within a broader national policy framework. Furthermore, these regulatory frameworks may not align neatly with national borders, leading to inconsistencies where multiple regimes may co-exist within the same country or even within a single policy programme or legal approach.<sup>18</sup> As a result, it is argued, even seemingly opposed regimes appear to produce similar outcomes.<sup>19</sup>

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<sup>15</sup> J. Levy, *Criminalising the purchase of sex: Lessons from Sweden*, Routledge, 2014, quoted after S. Kingston and T. Thomas, *op. cit.*; As an illustration, see, K. Claude, *Targeting The Sex Buyer. The Swedish Example: Stopping Prostitution and Trafficking Where it all Begins*, the Swedish Institute, 2010.

<sup>16</sup> S. Kingston and T. Thomas, *op. cit.*, pp. 1–2.

<sup>17</sup> For the history of prostitution regulation in the Netherlands, see: Ch. Post, J.G. Brouwer, and M. Vols. *Regulation of Prostitution in the Netherlands: Liberal Dream or Growing Repression?*, *European journal on criminal policy and research* 25.2, 2019.

<sup>18</sup> H. Wagenaar and S. Altink, *op. cit.*, p. 289.

<sup>19</sup> J. Scoular, *What's Law Got to Do with It? How and Why Law Matters in the Regulation of Sex Work*, *Journal of Law and Society*, Vol. 37, No 1, 2010, p. 13.

## 4. International legal framework and international organisations' positions

International organisations allow their member states the autonomy to adopt their own approaches to prostitution, while also providing guidelines and recommendations to influence these national policies. These concern in particular the human rights of persons engaging in prostitution and the prevention and combating of human trafficking. Several bodies within international organisations – notably the United Nations (UN) and the Council of Europe (CoE) – have thus adopted positions criticising various aspects of current approaches to prostitution. For instance, a number of UN entities,<sup>20</sup> have underscored human rights violations impacting 'sex workers' and consequently advocated for complete decriminalisation of 'consensual' (or 'voluntary') 'adult sex work', including the sale and purchase of sex and third-party activities. Similarly, the CoE Commissioner for Human Rights, Dunja Mijatović, supported a 'human rights based approach to sex work' in February 2024, stressing that consensual adult sex work should not be criminalised and 'conflated with violence against women or trafficking in human beings'.<sup>21</sup> However, these positions contrast with the views expressed by other UN and CoE bodies. For example, in 2014, the CoE Parliamentary Assembly adopted a resolution that recommended CoE member and observer states 'consider criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings'.<sup>22</sup> Similarly, in October 2023, the UN Special Rapporteur on violence against women and girls made a statement on the French law criminalising clients, positively assessing such criminalisation as having a 'strong legal basis in international human rights law'.<sup>23</sup>

Nevertheless, no international convention specifically regulates prostitution or endorses any particular regulatory regime. The conventions referenced in discussions concerning prostitution – depending on how the topic is framed – focus on the exploitation of prostitution, gender inequality and human trafficking. One example is a 1949 UN Convention targeting third-party involvement and outlawing the operation of brothels.<sup>24</sup> The preamble of this convention states that 'prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community'. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is in turn characterised by a human rights-based approach.<sup>25</sup> While requiring that States Parties take all appropriate measures to suppress the exploitation of prostitution of women, CEDAW does not take the position that prostitution should be abolished. The convention is credited with contributing to a shift on women's rights and prostitution, leading to the emergence of

<sup>20</sup> See e.g. [To protect sex workers' health, protect their human rights](#), press statement, UNAIDS, June 2024; [A guide on the human rights of sex workers](#), UN High Commissioner for Human Rights, March 2024; Eliminating discrimination against sex workers and securing their human rights, [UN Working Group on discrimination against women and girls](#), 2023.

<sup>21</sup> [Protecting the human rights of sex workers](#), Council of Europe Commissioner for Human Rights, February 2024.

<sup>22</sup> [Resolution 1983 \(2014\): Prostitution, trafficking and modern slavery in Europe](#), para 12.1.1., Parliamentary Assembly of the Council of Europe, 8 April 2014.

<sup>23</sup> [Statement on French Law 2016-444 - Strengthening the Fight Against the Prostitution System and Providing Support for Prostituted Persons in France](#), Special Rapporteur on violence against women and girls, Reem Alsalem, October 2023.

<sup>24</sup> [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), United Nations, 1949.

<sup>25</sup> [Convention on the Elimination of All Forms of Discrimination against Women](#), United Nations, 1979.

approaches favouring its legalisation.<sup>26</sup> The 'Palermo Protocol'<sup>27</sup> – a pivotal piece of international legislation addressing human trafficking – has served as a model for the EU legislation on human trafficking. The protocol's definition of 'trafficking in persons' covers 'the exploitation of the prostitution of others', but the text does not otherwise mention prostitution.

## 5. EU debate on prostitution

### 5.1. EU legal and policy framework

Member States retain the exclusive competence to regulate prostitution. Along with the divisive nature of the issue, this is often cited as the reason for the lack of a specific EU policy on prostitution.<sup>28</sup> Actors both outside and within the EU institutions have advocated in favour of linking prostitution to domains where the EU does have competence, such as gender equality, violence against women (including sexual exploitation), human trafficking and free movement.

**Gender equality** is a fundamental EU value, as outlined in Articles 2 and 3 of the Treaty on the European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU). The EU policy on gender equality has been formulated in successive strategies, including the most recent 2020–2025 gender equality strategy, which includes a commitment to prevent and combat **gender-based violence**.<sup>29</sup> EU legislation now also addresses this, through the 2024 Directive on combating violence against women and domestic violence, which provides for minimum rules on specific forms of crime such as sexual exploitation and computer crimes.<sup>30</sup> **Human trafficking** stands out as the area where the EU has clear Treaty-based authority to adopt legislation and a consistent policy-making record. EU laws and policies addressing it were inspired by international law.<sup>31</sup> Human trafficking is thus recognised as a violation of fundamental rights, explicitly prohibited by Article 5 of the EU Charter of Fundamental Rights. Moreover, Article 83 TFEU identifies 'trafficking in human beings and sexual exploitation of women and children' among serious crimes with a cross-border dimension for which a possibility exists to establish common minimum rules on the definition of criminal offences and sanctions. Based on this provision, the EU adopted Directive 2011/36/EU (the Anti-trafficking Directive), which is the principal EU instrument on human trafficking. Whereas EU trafficking-related instruments may not explicitly address prostitution, they do urge Member States to tackle the demand side of the trafficking problem, which could affect their prostitution markets. Most importantly, the 2024 revision of the Anti-trafficking Directive criminalises the use of services

<sup>26</sup> T. Provost, [Shaky Ground: How Wavering Approaches to Prostitution Law Have Undermined International Efforts to End It](#), *Santa Clara Journal of International Law*, vol. 14, issue 2, 2016, p. 626; see also J. A. Fox, [International Law After Dark: How Legalized Sex Work Can Comport with International and Human Rights Law](#), *Chicago Journal of International Law*, vol. 22, No 1, 2021.

<sup>27</sup> [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), United Nations, 2003.

<sup>28</sup> G. Allwood, [Agenda Setting, Agenda Blocking and Policy Silence: Why Is There No EU Policy on Prostitution?](#), *Women's studies international forum*, vol. 69, 2018. The author challenges the claim that prostitution is absent from the EU agenda due to it falling outside the EU's competence, arguing instead that this absence is the result of agenda blocking and silencing of the issue within EU policy-making structures and processes.

<sup>29</sup> [Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020–2025](#), COM(2020)152 final.

<sup>30</sup> European Parliament, [Combating violence against women and domestic violence](#), Procedure File 2022/0066 (COD)

<sup>31</sup> [Sexual exploitation and prostitution and its impact on gender equality](#), Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies, European Parliament, 2014, Annex III, pp. 78–83.

from a victim of human trafficking when it is committed with the knowledge that the person providing the service is a victim.<sup>32</sup>

Prostitution is also framed as pertaining to the **freedom to provide services** in the EU. The Court of Justice of the EU<sup>33</sup> is, however, the only EU institution to have addressed it from this perspective, in relation to cases initiated by individuals engaging in prostitution. The Court has made several rulings on sexual services and concluded that when prostitution is exercised 'in a self-employed capacity', it can be considered as a service provided for remuneration and thus an 'economic activity'.<sup>34</sup> As such, it falls under the scope of provisions of EU legislation on the freedom to provide services.

Overall, whereas approaches to prostitution differ at the EU-level, the European Commission and the Council have rarely addressed the issue in relation to the above-mentioned domains, human trafficking being one exception.<sup>35</sup> The debate has thus mainly taken place within the European Parliament, with a range of stakeholders seeking to influence the Parliament's position on the issue.<sup>36</sup>

## 5.2. European Parliament positions

The parliamentary debate on prostitution has been characterised by strong disagreement over how it should be regulated, reflecting the different approaches outlined above. Interestingly, voting has not usually followed the left–right divide, with most political groups internally split over the issue. The Parliament began to take an interest in the regulation of prostitution in the early 1980s and has addressed the issue in numerous resolutions. Whereas from early on the issue was tackled from the gender violence perspective – often alongside human trafficking – Parliament resolutions initially tended to differentiate between forced and voluntary prostitution. This allowed the latter to be framed as 'sex work', which was a novel approach at the time.<sup>37</sup> However, following the adoption by the Council of a 2002 framework decision on combating trafficking in human beings,<sup>38</sup> successive Parliament resolutions have emphasised the link between prostitution and human trafficking and supported the criminalisation of the purchase of sex. This approach is best illustrated by a 2014 resolution, based on a report by Mary Honeyball (UK, S&D) and a 2023 resolution, based on a report by Maria Noichl, (S&D Germany), both prepared for the Committee on Women's Rights and Gender Equality.

<sup>32</sup> Legislative observatory, [Preventing and combating trafficking in human beings and protecting its victims](#), 2022/0426(COD).

<sup>33</sup> Prior to the Lisbon Treaty, called the Court of Justice of the European Communities.

<sup>34</sup> Court of Justice of the European Union, Judgment of 20 November 2001, [Jany and Others v Staatssecretaris van Justitie](#), C-268/99, EU:C:2001:616 (paragraph 49); see also Court of Justice of the European Communities, Judgment of 18 May 1982, [Adoui and Cornuaille](#), Joined cases 115 and 116/8, EU:C:1982:183; and Judgment of 1 October 2015, [Trijber and Harmsen](#), Joined Cases C 340/14 and C 341/14, EU:C:2015:641.

<sup>35</sup> In this context, the Commission has repeatedly stressed that while it has a mandate to address prostitution in so far as this relates to sexual exploitation and trafficking in human beings, policy on prostitution as such remains a matter for the Member States; see e.g. the answers to the questions for written answer [E-008411-12](#), [E-003577/2014](#), and [E-001024/2023](#).

<sup>36</sup> G. Allwood, [op. cit.](#); J. Outshoorn, European Union and prostitution policy in S. Økland Jahnsen, and H. Wagenaar (eds.) 2018. [Assessing prostitution policies in Europe](#), Routledge, 2018; L. Rubio Grundell, [The EU's approach to prostitution: Explaining the 'why' and 'how' of the EP's neo-abolitionist turn](#), *European Journal of Women's Studies*, 28(4), 2021.

<sup>37</sup> J. Outshoorn, [op. cit.](#), pp. 365–367.

<sup>38</sup> [Council Framework Decision of 19 July 2002 on combating trafficking in human beings \(2002/629/JHA\)](#), no longer in force.

Parliament's 2014 resolution on sexual exploitation and prostitution and its impact on gender equality<sup>39</sup> considered prostitution as both a cause and a consequence of inequality between men and women. It condemned prostitution as a violation of human dignity and human rights principles, contrary to the EU Charter of Fundamental Rights. The resolution treated 'prostituted women' as victims who should not be criminalised and called on the Member States to introduce health checks and develop counselling and exit programmes for them, as well as reducing the dangers of street prostitution. Conversely, it saw the buyers of sex as the key problem, emphasising the need to reduce demand in prostitution markets as part of a strategy against human trafficking. In this vein, it praised the 'Nordic model', citing its alleged deterrent effect on human trafficking. Whereas the resolution did mention other approaches towards prostitution, it held that 'looking upon prostitution as legal 'sex work', decriminalising the sex industry in general and making procuring legal is not a solution to keeping vulnerable women and under-age females safe from violence and exploitation, but has the opposite effect'. In addition, it noted that 'any framework of legalisation primarily benefits the pimps, who are able to transform themselves into "businessmen"'. Nevertheless, the resolution criticised the lack of reliable data on prostitution and on the impact of all models to tackle the issue, stressing that more analysis and statistical evidence was needed to judge their effectiveness. Parliament urged the Member States to evaluate both the positive and negative effects of criminalising the purchase of sexual services on reducing prostitution and trafficking.

In the 2023 resolution on the regulation of prostitution in the EU,<sup>40</sup> the Members adopted a very similar approach. In the first recital, they note that 'the UN and EU agreed upon language is prostitution and people/women in prostitution' and that those who self-describe themselves as 'sex workers' are a vocal minority of people in prostitution. The resolution stressed the importance of reducing demand, which it viewed as strongly associated with human trafficking. Parliament therefore concluded it was impossible to separate discussion on the regulation of prostitution from those on human trafficking. The text criticised the asymmetry between national rules on prostitution within the EU, leading to more victims of trafficking and creating opportunity for organised crime. Parliament supported the 'overarching gender-specific objective' of the 'Nordic/Equality model', which may not be 'a fix-all solution to reduce demand, sex trafficking, violence or exploitation', but has 'positive effects on the rights of people, in particular women, in prostitution, the normative effect in society and the fight against human trafficking'. At the same time, Parliament pointed to negative effects of other regulatory models on levels of human trafficking, the misuse of legal arrangements for criminal activity (such as opening a legal establishment, but using coercion to staff it), and the impact of the normalisation of prostitution on young people's perceptions of sexuality. Parliament therefore called on the Member States to 'ensure that it is punishable as a criminal offence to solicit, accept or obtain a sexual act from a person in exchange for remuneration (...)'. Nuancing its position, the Parliament reiterated the 'need to realistically evaluate the impact of all models to see which fundamental rights-based measures and strategies protect women's rights and promote gender equality best', rejecting an 'overly simplified ideological battle and binary approach that polarises the debate into two camps'.

Voting on the 2023 resolution underscored the division within Parliament on the issue, as the combined number of votes against (175) and abstentions (122) exceeded the number of votes in favour (234). Like the 2014 resolution, the 2023 resolution was accompanied by a minority opinion. Nevertheless, both resolutions are regarded as a symbolic success for advocates of the 'Nordic

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<sup>39</sup> European Parliament [resolution](#) of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality ([2013/2103\(INI\)](#)).

<sup>40</sup> European Parliament [resolution](#) of 14 September 2023 on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights ([2022/2139\(INI\)](#)).

model'. Predictably, the resolutions elicited strong reactions beyond the Parliament, garnering support from some stakeholders and vehement opposition from others.<sup>41</sup>

## 6. Situation in selected EU Member States

### 6.1. Summary of findings

The regulation of prostitution in the EU differs between countries for historical and cultural reasons, as well as current social contexts and political circumstances, all of which influence national priorities. Certain Member States, where there is a strong concern that prostitution constitutes violence against women, tend to penalise buyers of sexual services. Some Member States link prostitution strongly to human trafficking. By contrast, other Member States' legal frameworks recognise that 'sex work' is a voluntary choice for certain individuals. Despite the legalisation of prostitution in the majority of EU Member States, it is often subject to stringent regulation, including strict rules on soliciting and third-party involvement. Particular emphasis is placed on protecting victims of human trafficking, underage persons engaging in prostitution and individuals coerced into the sex industry. As a result, only a few Member States formally acknowledge prostitution as legitimate employment and provide comprehensive protections and rights for those engaging in it.

In **21 EU Member States, prostitution is legal**, albeit with various degrees of regulation. In one Member State (Belgium), prostitution is not only legal, but is also not subject to specific regulation and third-party involvement has been decriminalised. In **three Member States (Ireland, France and Sweden) it is illegal to buy sex**, but not to sell it, as per the 'Nordic model'. Additionally, in **one Member State (Croatia) it is illegal to sell sex, but legal to buy it**, and in **one Member State (Lithuania) it is illegal to both buy and sell sex**. Sweden was the first country in the world to criminalise the purchase of sex (in 1999), while considering the sale of sex as legal. Although a Nordic country, Finland has not adopted a similar approach, however buying sexual services is heavily restricted under Finnish legislation. The criminalisation of individuals buying sex in France and Ireland is relatively recent (2016 and 2017 respectively), with both countries having switched from a regime where prostitution was legal. The relatively recent adoption of the purchase ban and the small number of EU Member States having done so make it difficult to evaluate the success of the new legislation. Among the countries that have legalised prostitution, degrees and types of regulation vary. Many have strict rules on where, when and how sexual services can be purchased, with several banning prostitution in public places. While some countries have outlawed brothels, some allow prostitution only in state-licensed brothels. Pimping and living off another person's earnings from prostitution are also banned in several countries. Selling the services of underage persons and victims of human trafficking are explicitly banned. Several countries also explicitly mention the criminal responsibility of clients who knowingly purchase services under these circumstances, and penalise them.

Whereas the debate about prostitution and sex work in general is intense in some Member States, and has led to recent changes in legislation, in others there is little political debate on the matter.

<sup>41</sup> In 2014, 560 non-governmental associations (NGOs) [called](#) on the Members of the European Parliament to reject the 'Honeyball report' and 94 academics signed a [letter of critique](#), denouncing it as 'seriously biased' and 'methodologically flawed'. Likewise, in 2023, civil society networks and human rights organisations, grouped under the [European Coalition on Sex Workers' Rights and Inclusion](#), addressed an [open letter](#) to the European Parliament in the context of the Parliament vote on the resolution, urging Members to vote against the Noichl report. The letter referred to an [editorial](#) published in the medical journal 'The Lancet' in June 2023 that endorsed 'decriminalisation of sex work'. By contrast, the [European Women's Lobby](#) – Europe's largest umbrella organisation of women's NGOs – strongly [supported](#) the 2014 resolution and [called](#) the 2023 resolution a 'victory for survivors'.

One example is Croatia, the only country in the EU where it is illegal to sell sex, but legal to buy it, resulting in individuals engaging in prostitution being overwhelmingly prosecuted and convicted, rather than those facilitating prostitution and other actors in the business. Experts and academics have attempted to change the current legislation, but no political action has resulted. Active political debate resulted in recent radical changes in legislation in Belgium, however, which completely decriminalised prostitution in 2022, becoming the only country in the EU to do so. The country also adopted a new labour law<sup>42</sup> that envisages labour protection – including employment contracts – for individuals engaging in prostitution and provides minimum guarantees of safety, health and hygiene in the workplace. It is too early to draw any conclusions about the new legislation's success. Whereas some EU Member States have centralised regulation of prostitution, others (e.g. Austria, Germany, and the Netherlands) have devolved some regulations to regional or municipal level. This has allowed for more flexibility based on the situation in the field, but has also resulted in less homogeneity at the national level. Despite the centralised system, research shows that police action differs from location to location in some Member States (e.g. Croatia).<sup>43</sup>

The regulation of prostitution in the EU is changing. However, the majority of EU Member States share a common feature in showing some level of understanding for the situation of those engaging in prostitution, and taking care not to create additional problems for them. However, means to achieve a balanced regulation of prostitution differ. Research and statistics are key to evaluating the most beneficial course of action, and these currently remain inadequate to draw definitive conclusions.

## 6.2. Selected EU Member States

The following section contains in-depth information on **15 EU Member States: Austria, Belgium, Croatia, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Malta, Netherlands, Poland, Romania and Sweden**. The selection was based on information collected on all EU Member States, the summary of which is contained in Table 1. The selection aims to give an insight into the variety of legislative frameworks on prostitution in the EU, with special attention paid to geographical representation. The information was collected in January 2024 via a comparative country request sent to country expert colleagues in the European Parliamentary Research Service.

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<sup>42</sup> [Decriminalisation](#), UTSOPI (the Belgian Union of Sex Workers) website.

<sup>43</sup> [Prva godina projekta Regulacija prostitucije u Hrvatskoj](#), 30 April 2020.



Table 1 – Legislative frameworks on prostitution in EU Member States

Country	Decriminalised	Legal	Illegal to buy sex	Illegal to sell sex	Illegal to buy and sell sex
Austria					
Belgium					
Bulgaria					
Croatia					
Cyprus					
Czechia					
Denmark					
Estonia					
Finland					
France					
Germany					
Greece					
Hungary					
Ireland					
Italy					
Latvia					
Lithuania					
Luxembourg					
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenia					
Spain					
Sweden					

Source: EPRS.

## Austria

Prostitution in Austria is legal and regulated. However, the regulation of sexual services in Austria is complex and heterogeneous, as rules are made both at federal and regional level.

Federal regulations for self-employed persons apply to individuals engaging in prostitution regarding taxation or social security, for example. In addition, specific federal provisions require 'persons engaging in prostitution' to register with local authorities and oblige them to undergo health checks every six weeks. Other federal laws with provisions on prostitution include the Aliens Act, the Aliens Police Act and the Austrian Criminal Code. Part 10 of the Austrian Criminal Code is dedicated to offences against sexual integrity and self-determination (Articles 201–220b) and forbids a number of prostitution-related activities, including recruiting (Article 213), enticing (Article 215), and aiding and abetting (Article 216). Inducing minors to perform a sexual act on a perpetrator, or on another person by taking advantage of their circumstances or in return for payment is considered sexual abuse of minors (Article 207b) and is punishable by imprisonment of up to three years. Perpetrators of such abuse of minors are therefore liable to criminal prosecution.

The Austrian Criminal Code also offers protection against sexual violence, and in particular against sexual exploitation in prostitution. Sections § 104a on human trafficking, § 217 on cross-border prostitution, and § 216 on pimping are the most pertinent. Article 104a states that people who are already involved in prostitution can also be victims, for example. The offence of human trafficking mainly consists of the perpetrator inducing the victim to prostitution in a foreign country or recruiting them for this purpose. The law provides for a penalty of six months to five years' imprisonment for human trafficking and one to ten years' imprisonment if there are aggravating factors. On the regional level, Bundesländer legal acts contain specific provisions on where, when and under what conditions prostitution might take place. Not all Bundesländer have specific prostitution laws, as some regulate prostitution within the framework of their Provincial Police Acts. For example, the Bundesländer decide on age limits for the legal provision of sexual services, where street prostitution is allowed, what requirements must be met for the licensing of brothels or regarding the health and safety standards in brothels. No recent debates have taken place on changing the legislation on prostitution. However, the 2020–2024 government programme<sup>44</sup> contains several references to combating organised crime, including human trafficking. The programme speaks of introducing tougher penalties for perpetrators and increasing support for victims. The Austrian Prostitution Working Group<sup>45</sup> suggested a ban on promoting risky sexual behaviours in 2008, given an increase in demand for unsafe sexual practices. The Upper Austria Prostitution Act later incorporated this recommendation. In 2021, the Working Group recommended that prostitution be regulated at federal rather than regional level, to align the legal situation throughout Austria.

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<sup>44</sup> Austria, [2020–2024 government programme](#).

<sup>45</sup> The *Arbeitsgruppe Prostitution* was founded in 2009, to recommend policies pertaining to prostitution. Its recommendations stem from the German national action plan against human trafficking. Under the direction of the Federal Ministry for Women's Affairs the Working Group has released a report outlining the state of the law and issues surrounding prostitution every three years since 2012. While the Prostitution Working Group's proposals are not legally binding, the legislator will consider some of them.

## Belgium

In 2022, Belgium was the first country in Europe to decriminalise<sup>46</sup> prostitution, ending decades of a policy of tolerance and offering recognition and protection to those engaging in it. Although both the sale and purchase of sex by adults has never been illegal, the country's policy of tolerance effectively made it very difficult<sup>47</sup> to safely perform the job as those engaging in prostitution were often not entitled to social rights and services, and third-party services for such persons were illegal and suppliers liable to prosecution.

Third-party activities related to self-employed persons engaging in prostitution were decriminalised when the law changed the Belgian criminal code with regard to sexual criminal law on 21 March 2022,<sup>48</sup> and entered into force on 1 June 2022. Self-employed individuals engaging in prostitution should no longer have trouble finding a landlord, banker, insurer, accountant, or lawyer, as these third parties can no longer be automatically accused of pimping or otherwise exploiting prostitution. However, if an element of abuse exists within the professional relationship, for example: when third parties charge abnormally high fees to the person engaging in prostitution, make abnormally high profits by paying persons engaging in prostitution poorly, or by cutting costs by employing them in unhealthy, unsanitary workplaces, or if they demand sexual services in exchange for the delivery of services; they are still liable to prosecution. If found guilty, they could face a prison sentence of between one and five years, and a fine of between €500 and €25°000 (Criminal Code, Art. 433 quater/1).<sup>49</sup> The 2022 law also provides<sup>50</sup> a specific criminal law framework as an additional guarantee against abuse of prostitution of adults who are not covered by the provisions on trafficking in human beings. According to Art. 433 quinquies,<sup>51</sup> a victim of trafficking in human beings involved in crimes as a direct result of his or her exploitation incurs no punishment for these crimes.

Furthermore, advertising sexual services is banned, except where it is for the provider's own services either through a window in a space designated for prostitution or through dedicated online or paper advertisement. Prostitution without consent remains illegal, and it is illegal for minors to pay for sex or to work in prostitution.

A further step in the decriminalisation of prostitution is ongoing, in the form of a new labour law<sup>52</sup> envisaging labour protection – including employment contracts – for individuals engaging in prostitution, and providing minimum guarantees on safety, health and hygiene in the workplace, and recognising certain forms of organisation of prostitution.

According to a study by the National Bank of Belgium and the University of Leuven, prostitution in Belgium generated €840°million in turnover tax revenue<sup>53</sup> in 2015, with the most important market segments being escort and prostitution services in private settings, rather than the more visible

<sup>46</sup> [Sekswork](#), Federale Overheidsdienst Justitie website.

<sup>47</sup> G. Vermeulen, Y. Neelen, Van nu en straks: sekswork [Nood aan decriminalisering en sociaalrechtelijke diversificatie en flexibilisering](#) (Decriminalisation and the need to offer social law perspectives to sex workers), *Panopticon*, 39 (4), 314-326, 2018.

<sup>48</sup> [Wet houdende wijzigingen aan het Strafwetboek met betrekking tot het seksueel strafrecht](#), Act amending the Criminal Code with regard to sexual criminal law, 2022.

<sup>49</sup> [Code Penal](#), Dossiernummer: 1867-06-08/01

<sup>50</sup> [Hervorming seksueel strafrecht](#), Team Justitie, 2021.

<sup>51</sup> [Code Penal](#), Dossiernummer: 1867-06-08/01

<sup>52</sup> [Decriminalisation](#), website of UTSOPI (the Belgian Union of Sex Workers).

<sup>53</sup> [A new measure of the economic importance of prostitution in Belgium](#), press release of a study by the National Bank of Belgium and the University of Leuven, 2015.

forms of window or street prostitution. The federal police estimated 26°000 persons<sup>54</sup> were actively engaging in prostitution in Belgium that same year.

## Croatia

Prostitution in Croatia is regulated by the Act on misdemeanours against public peace and order.<sup>55</sup> Article 9 criminalises prostitution for the service provider, who can face a €20-100 fine, or imprisonment of up to 30 days. Article 5 bans hosting prostitution or any other way of assisting prostitution, and Article 32 allows prescription of compulsory treatment against sexually transmitted infection or AIDS. Article 33 allows prostitution to be penalised by expulsion from the county where the misdemeanour occurred. The duration of the expulsion can be between 30 days and 6 months, and can be an independent measure or combined with imprisonment. Croatian law makes no mention of clients, who are therefore not penalised in Croatia. The Croatian Criminal Code<sup>56</sup> regulates other issues relevant to prostitution. Article 106 prohibits human trafficking and forcing or tricking a person into prostitution, or other forms of sexual exploitation are penalised with prison sentences from 1 to 10 years. Those who knowingly use the services of a victim of human trafficking may incur the same sentence. Article 157 prohibits inciting and enabling prostitution, with a sentence of between 6 months to 5 years in prison. Forcing someone into prostitution is punished by imprisonment from 1 to 10 years. Advertising the prostitution of another person incurs a prison sentence up to three years.

Although there is academic and expert significant interest in reforming<sup>57</sup> the regulation of prostitution in Croatia, no action has been taken at political level in recent years. The Ministry of the Interior suggested criminalising<sup>58</sup> clients as well as those engaging in prostitution in 2012 and 2016, but this proposal was never discussed in the Parliament. Experts<sup>59</sup> propose either the 'Nordic model' or legalisation/decriminalisation, with representatives from civil society more likely to advocate for the more liberal models. The majority of information on prostitution in Croatia stems from a comprehensive multi-year research project<sup>60</sup> on prostitution in the country. This aimed to analyse the current policy, legislation and judicial practice in Croatia, explore the experiences of those engaging in prostitution and create guidelines for policy makers. Research<sup>61</sup> published in 2023 shows that penalties for service providers are mostly monetary and that recidivism is high. However, there is a noticeable downward trend in the number of registered misdemeanours, which might mean that street prostitution has almost disappeared in favour of other channels, affecting police discovery and reporting. Previous research [results](#)<sup>62</sup> also show the courts' tendency to demand monetary penalties, as well as to target individuals engaging in prostitution, rather than organisers.

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<sup>54</sup> [Stijgend aantal prostituees in België](#), De Standaard, 2015.

<sup>55</sup> Zakon o prekršajima protiv javnog reda i mira ('Narodne novine' br. 41/77, 47/89, 55/89, 5/90 – službeni pročišćeni tekst, 'Službeni list SFRJ' br. 83/89, 'Narodne novine' br. [47/90](#), [55/91](#), 29/94, [114/22](#), [47/23](#)).

<sup>56</sup> Kazneni zakon ('Narodne novine' br. [125/11](#), [144/12](#), [56/15](#), [61/15](#), [101/17](#), [118/18](#), [126/19](#), [84/21](#), [114/22](#), [114/23](#)).

<sup>57</sup> [Regulacija prostitucije u Hrvatskoj – sažeci rezultata istraživanja](#) – summary of a research project on the regulation of prostitution in Croatia, published in March 2023.

<sup>58</sup> [Stručnjaci: U Hrvatskoj nužna promjena regulacije prostitucije](#), Ius-Info, 30 November 2021.

<sup>59</sup> R.Krnic, M. Adamovic and I. Radacic, [Stavovi stručnjaka/inja o politici regulacije prostitucije u Hrvatskoj](#), Politicka misao, god.58, No 3, 2021.

<sup>60</sup> [Projekt 'PROREG Regulacija prostitucije u Hrvatskoj'](#), website on the project on the regulation of prostitution in Croatia.

<sup>61</sup> [Prostitucija u Republici Hrvatskoj – statistički pokazatelji, specifičnosti i trendovi](#), Policija i sigurnost, Vol. 32, No 2/2023, 2023.

<sup>62</sup> [Prva godina projekta Regulacija prostitucije u Hrvatskoj](#), summary of the first year of the project on the regulation of prostitution in Croatia, April 2020.

## Finland

In Finland, prostitution is legal, but is heavily regulated. While the sale of sex is not a criminal offence, many activities related to prostitution are criminalised. These include purchasing sexual services, promoting prostitution, and operating a brothel. The laws seek to protect those involved in prostitution and to prevent human trafficking and exploitation. Key aspects include:

**Purchasing sexual services:** both sale and purchase of sexual services in public places (e.g., on the street, in a restaurant) is illegal, as is buying sex from persons under 18 years old or from someone who has been trafficked or procured. Offenders can face fines or imprisonment from six months (Abuse of a person subject to sex trade) to up to two years (Offering compensation for a sexual act to a young person).<sup>63</sup>

**Promoting prostitution:** organising prostitution is illegal in Finland. This includes providing facilities, promoting or otherwise accommodating prostitution; providing persons engaging in prostitution with contact information; tempting or recruiting people into prostitution or otherwise profiting from the prostitution of another person. The penalties for these offenses can range from fines to imprisonment for up to three years, and up to six years for aggravated pandering.<sup>64</sup>

**Human trafficking:** trafficking of individuals for the purpose of sexual exploitation is a serious offence in Finland, with penalties ranging from 4 months to up to 6 years (trafficking in human beings) and from 2 to 10 years in prison (aggravated trafficking in human beings). Buying sexual services from someone who has been trafficked or procured is punishable, as is buying sexual services if there is reason to suspect that the person selling sexual services is the object of third-party exploitation or the victim of trafficking in human beings.<sup>65</sup> In addition, the Aliens Act<sup>66</sup> has a separate section restricting entry by persons travelling to Finland from outside the EU who are suspected of obtaining income by selling sexual services. Persons engaging in prostitution in Finland are also required to pay tax<sup>67</sup> on their income, and have access to the same social welfare services as other Finnish citizens.

The political debate in the 1990s and early 2000s on whether or not to fully criminalise the purchase of sexual services led to a compromise provision banning the purchase of sex from victims of human trafficking in 2006 (see above: new Article 8, Criminal Code, Chapter 20, further amended in 2015). However, the focus has now shifted to the implementation of current legislation on prostitution and the efficiency of anti-human trafficking measures. Several reports, by Finland's Non-Discrimination Ombudsman and National Rapporteur on Human Trafficking,<sup>68</sup> the Finnish Parliament<sup>69</sup> and Finnish

<sup>63</sup> [Public Order Act 612/2003](#); Section 7 (1), [Finnish Criminal Code](#); Chapter 20 Sexual offences (8.7.2022/723); Sections 8 (Abuse of a person subject to sex trade) and 9 (Offering compensation for a sexual act on a young person).

<sup>64</sup> [Finnish Criminal Code](#), Chapter 20 Sexual offences (8.7.2022/723), Sections 10 (Pandering) and 11 (Aggravated Pandering).

<sup>65</sup> Criminal Code, Chapter 25 Offences against personal liberty, Sections 3 Trafficking in human beings ([9.7.2004/650](#)) and 3a Aggravated trafficking in human beings ([9.7.2004/650](#)); [Finnish Criminal Code](#), Chapter 20 Sexual offences ([8.7.2022/723](#)), Section 8 (Abuse of a person subject to sex trade).

<sup>66</sup> [Aliens Act](#) 301/2004 of 20 April 2004.

<sup>67</sup> [Taxation](#), information provided on the website of Pro-tukipiste, an organisation founded in 1990 to promote the inclusion and human rights of people working in the sex and erotic industry in Finland.

<sup>68</sup> [Yhdenvertaisuus-valtuutetun kertomus eduskunnalle 2022](#), report of the Non-Discrimination Ombudsman to Parliament 2022.

<sup>69</sup> [Eduskunnan kirjelmä EK 52/2022 vp K 7/2022 vp - Yhdenvertaisuusvaltuutetun kertomus eduskunnalle 2022, 23.11.2023](#), (Parliamentary statement EK 52/2022 vp - K7/2022 vp Parliamentary statement of 23.11.2023 on the quadrennial report of the Ombudsman for Non-Discrimination to the Parliament (2022)).

Ministry of Justice,<sup>70</sup> underline the need to fully apply the compromise provision to protect victims of the sex trade. Under Finland's 2019–2023 government, a survey was undertaken to map the situation of vulnerable groups in prostitution other than victims of sex trade, to feed into future policy.<sup>71</sup> The current government has not announced any specific initiatives on prostitution, but has committed to fighting human trafficking and continuing Finland's gender equality policy.

## France

Law no 2016–444,<sup>72</sup> adopted on 13 April 2016 aimed at stepping up the fight against the prostitution system and supporting individuals engaging in prostitution. The law includes measures to deal with the prostitution system in its entirety. Under this law, such people are no longer criminals, but victims of the prostitution system. This text contains a series of repressive, social and educational measures designed to:

- step up the fight against pimping, by extending the system for reporting illegal content on the internet to pimping and by strengthening measures to protect witnesses against criminal networks (Article 1);<sup>73</sup>
- reinforce France's commitment to abolition by repealing the offence of soliciting (*délit de racolage*), recognising persons engaging in prostitution as victims and making clients liable with a new offence of sexual purchase, regardless of the age or situation of the person selling sexual services. According to the 2016 Law, 'the act of soliciting, accepting or obtaining sexual relations from a person who practices prostitution, even on an occasional basis, for remuneration, a promise of remuneration, a performance in kind or a promise of such an advantage is punished' with a fine of €1 500 (up to €3 750 in cases of recidivism). According to Article 20,<sup>74</sup> the fine is €45 000 if the person engaging in prostitution is a minor or is vulnerable (e.g. due to illness, infirmity, disability or pregnancy);
- improve care for victims of prostitution, pimping or human trafficking for the purpose of exploitation, thanks to the creation of a pathway out of prostitution (Chapter II).<sup>75</sup> This pathway gives access to support from an approved association, a temporary residence permit and financial assistance. In each *département*, a commission to combat prostitution is responsible for organising and coordinating action on behalf of victims of prostitution. Likewise, a 13 April 2022 instruction<sup>76</sup> reiterates the need to finalise the setting up of commissions in each *département* to combat prostitution, procuring and human trafficking; and to open pathways out of prostitution;
- provide information on the realities of prostitution and the dangers of the commodification of the body in secondary schools to combat the trivialisation of the phenomenon among young people under 18 years old (Article 18);<sup>77</sup>

<sup>70</sup> [Seksikaupan kohteena olevan henkilön hyväksikäyttö Säännöksen soveltamiskäytäntö](#), 2022 report of the Ministry of Justice on the exploitation of sex trafficking victims.

<sup>71</sup> Pääministeri Petteri Orpon hallituksen ohjelma, 20.6.2023 and [Valtioneuvoston tiedonanto yhdenvertaisuuden, tasa-arvon ja syrjimättömyyden edistämisestä suomalaisessa yhteiskunnassa](#), 31.8.2023 (PM Petteri Orponen government program, 20.6.2023 and Government statement on promoting equality and non-discrimination, 31.8.2023).

<sup>72</sup> [LOI n° 2016-444 du 13 avril 2016](#) visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

<sup>73</sup> [Article 1](#), Loi n° 2016-444 du 13 avril 2016.

<sup>74</sup> [Article 20](#), Loi n° 2016-444 du 13 avril 2016.

<sup>75</sup> [Chapter II](#), Loi n° 2016-444 du 13 avril 2016.

<sup>76</sup> [INSTRUCTION N° DGCS/SDFE/DGEF/DIMM/2022/7 2022](#) du 13 avril 2022 relative à l'ouverture des droits dans le cadre du parcours de sortie de la prostitution et d'insertion sociale et professionnelle.

<sup>77</sup> [Article 18](#), Loi n° 2016-444 du 13 avril 2016.

- prevent sexually transmitted infections and other health, social and psychological risks associated with prostitution through risk reduction measures defined in a national reference document (Article 17).<sup>78</sup>

Furthermore, the French Criminal Code criminalises human trafficking (Article 225-4-1).<sup>79</sup> Under Article 225-5<sup>80</sup> pimping is punishable by seven years' imprisonment and a fine of €150 000. Operating a brothel is also illegal (Article 225-10).<sup>81</sup> These laws were adopted after intense debate,<sup>82</sup> and major political, legal and media controversy.<sup>83</sup> After an 'application for a priority preliminary ruling on the issue of constitutionality', the Constitutional Council declared that the law complies with the French Constitution (Decision no 2018-761 QPC of 1 February 2019).<sup>84</sup>

Four years after the passing of the 2016 law, an assessment<sup>85</sup> published by the Inspection Générale des Affaires Sociales, Inspection de l'Administration and Inspection de la Justice is highly critical. The shortcomings of the government's actions include the mixed results of criminalising the client, the random support provided to individuals engaging in prostitution and the increase in underage prostitution. In an opinion<sup>86</sup> published on 19 May 2021, the Haut Conseil à l'égalité entre les femmes et les hommes also regretted that the law's historic promises had not been sufficiently implemented, including the proposed public awareness campaign to 'deconstruct preconceived ideas and help people understand the violence of prostitution.' The opinion also highlighted other issues, including the uneven criminalisation of buyers of sexual acts across the country and prostitution's shift to the internet. Six years later,<sup>87</sup> on 13 April 2022, the Haut Conseil noted the law was still not fully applied throughout France. The Haut Conseil was also concerned that other state signatories to international instruments are pursuing policies which, contrary to their commitment, encourage the sexual exploitation of women and open the door to criminal networks and trafficking.

In *M.A. and Others v France*, 261 men and women who practice prostitution lawfully in France complained to the European Court of Human Rights about the criminalisation of the purchase of sexual relations introduced by Law no 2016-444. They claimed that 'the possibility of criminal proceedings being brought against clients pushes those engaging in prostitution into operating in a clandestine manner and in isolation, exposes them to greater risks for their physical integrity and lives, and affects their freedom to define how they live their private lives.' They argued that the legislation breaches their rights under Articles 2 (right to life), 3 (prohibition of torture) and 8 (right to respect for private and family life) of the European Convention on Human Rights. The Court declared the applications admissible, but ruled unanimously that there had been no violation of the ECHR.

[M. A. and Others v France](#), European Court of Human Rights.

<sup>78</sup> [Article 17](#), *Loi n° 2016-444 du 13 avril 2016*.

<sup>79</sup> [Article 225-4-1](#), French Criminal Code.

<sup>80</sup> [Article 225-5](#), French Criminal Code.

<sup>81</sup> [Article 225-10](#), French Criminal Code.

<sup>82</sup> [Les députés votent pour la pénalisation des clients de prostituées](#), *Le Monde*, 12 July 2015.

<sup>83</sup> F. Gil, [La prostitution entre débats et lois](#), Cairn Info, 26 October 2017.

<sup>84</sup> Constitutional Council, [Decision](#) no 2018-761 *question prioritaire de constitutionnalité* (QPC) of 1 February 2019.

<sup>85</sup> [Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées](#), 22 June 2020.

<sup>86</sup> [Opinion](#) of the High Council for Equality between women and men, 19 May 2021.

<sup>87</sup> [Opinion](#) of the High Council for Equality between women and men, 13 April 2022.

## Germany

Historically, prostitution in Germany was subject to varying degrees of criminal, administrative and civil regulation.<sup>88</sup> With the Law for Combating Venereal Diseases of 1927 and the accompanying changes to the German Penal Code of 1871 (as amended in 1876),<sup>89</sup> voluntary prostitution was, in principle, decriminalised and became legal. Today, prostitution that violates statutory prohibitions such as a restricted area ordinance (*Sperrbezirksverordnung*) and prostitution that is likely to corrupt juveniles is punishable under Sections 184f and 184g of the German Criminal Code (GCC)<sup>90</sup>. In 2023, German Justice Minister Marco Buschmann announced plans to table a draft law that would qualify the violation of restricted area regulations as an administrative rather than a criminal offence.<sup>91</sup> This echoed a whitepaper issued by the Federal Ministry of Justice.<sup>92</sup>

Additionally, pimping, human trafficking, forced prostitution and the exploitation of persons engaging in prostitution are punishable as offences under GCC Sections 180a, 181a, 232 and 232a.<sup>93</sup> In 2022, police authorities at Länder and federal level completed 505 investigations into human trafficking and exploitation, of which 346 related to sexual exploitation.<sup>94</sup> This is a significant increase compared with 2021, when 291 investigations were completed (+18.9 %). Section 232a(6) of the GCC penalises negligent engagement in transactions for sexual services with victims of human trafficking or forced prostitution. It is sufficient that the perpetrator recklessly fails to recognise the individual is such a victim for a person to be liable. The liability threshold was lowered from requiring intent to encompassing acts of gross negligence when the 2021 GCC amendment<sup>95</sup> entered into application in October 2021. This reform aimed to enhance the provision's practical effect. Recently, the main political opposition began advocating for the adoption of the 'Nordic model'.<sup>96</sup> Like the 2023 European Parliament resolution on the regulation of prostitution in the EU,<sup>97</sup> their main policy paper refers to a study<sup>98</sup> the lead author of which is a member of the Nordic Model Alliance (*Bündnis Nordisches Modell*). The German Federal Government indicated it will not take a

<sup>88</sup> C.W. Mayer, *Prostitution – unde venis, quo vadis?*, Verlag Dr. Kovač, 2021.

<sup>89</sup> Despite the ban in principle, the German Criminal Code of 1871 equipped the police with discretion to permit and regulate prostitution.

<sup>90</sup> Sections 184f and 184g of the [German Criminal Code](#) as last amended on 22 November 2021.

<sup>91</sup> AHH/DPA, [Buschmann hält nichts von generellem Sexkauf-Verbot](#), *Der Spiegel*, December, 2023.

<sup>92</sup> Federal Ministry of Justice, [Eckpunkte des Bundesministeriums der Justiz zur Modernisierung des Strafgesetzbuchs](#), November 2023.

<sup>93</sup> Sections 180a, 181a, 232, 232a of the German Criminal Code as last amended on 22 November 2021.

<sup>94</sup> For more information, see BMFSFJ, [The new Prostitute Protection Act](#), 2021.

<sup>95</sup> German Bundestag, [Gesetz zur Änderung des Strafgesetzbuches – effektivere Bekämpfung von Nachstellungen und bessere Erfassung des Cyberstalkings sowie Verbesserung des strafrechtlichen Schutzes gegen Zwangsprostitution](#), Act amending the Criminal Code coming into force in October 2021.

<sup>96</sup> Christian Democratic Union/Christian Social Union (CDU/CSU) parliamentary group, [Menschenunwürdige Zustände in der Prostitution beenden – Sexkauf bestrafen](#), November 2023.

<sup>97</sup> European Parliament [resolution](#) on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights, 14 September 2023.

<sup>98</sup> M. Farley, et al., [Men who pay for sex in Germany](#), 2022.



position<sup>99</sup> before the outcome of the ongoing evaluation<sup>100</sup> of the Prostitute Protection Act.<sup>101</sup> It appears that the Social Democrats have not yet found a common position.<sup>102</sup>

In civil law terms, it was only when the Prostitution Act<sup>103</sup> entered into application in 2002 that contracts for sexual services were recognised as valid contracts and the judicial practice of nullifying such contracts was overturned. According to the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), this act aimed at improving the legal and social situation of those engaging in prostitution and eliminating negative impacts of the invalidation of their contracts.<sup>104</sup> The act allows those engaging in prostitution to conclude employment contracts, provide their services on a freelance basis, and enforce their contracts. The Prostitute Protection Act entered into application in July 2017. The regulation aims to provide individuals engaging in prostitution with information about their rights and obligations and to encourage them to exercise their rights and seek help if they need it. The act makes it compulsory for people engaging in prostitution to register their work, requires those registered to attend regular health counselling, and makes the use of condoms compulsory.<sup>105</sup> Of the 476 victims of sexual exploitation identified by the police in 2022, 78 had registered an activity pursuant to this act.<sup>106</sup> Reasons for most victims not being registered included that they were staying illegally in Germany, were underage, or pursued their activities in unlicensed or unauthorised establishments. Additionally, the COVID-19 induced ban on performing sexual services may have played a role. For 28 victims it was uncertain whether they had registered or not. Germany is a federal state, where the Länder are competent for enacting, interpreting and enforcing legislation in certain areas: specific regulations (e.g. area restrictions on prostitution, taxation, and law enforcement) differ from Land to Land.

## Greece

Prostitution in Greece has been **legal and regulated** since 1834. Attempts to legalise prostitution were first made in the 1800s, with the aim of combating the spread of sexually transmitted infections, such as a syphilis outbreak.<sup>107</sup> Legislation around prostitution has gradually evolved since then until the current regulation came into force in 1999.

Law 2734/1999<sup>108</sup> linked prostitution to employment conditions. The legislation set strict requirements,<sup>109</sup> which applied to anyone who wanted to work in the sex industry – nationals, EU citizens or migrants – with the exception of minors (under 18 years old). Applicants for a licence to practice prostitution must be unmarried, widowed or divorced. People engaging in prostitution must register at the local prefecture to obtain a personal license for three years, with compulsory health

<sup>99</sup> German Bundestag, [Oral question](#) in plenary on the Government's stance on the Nordic Model for prostitution, plenary minutes, March 2023, pp. 10370-10371.

<sup>100</sup> BMFSFJ, [Gesetzliche Evaluation](#), August 2023; Kriminologische Forschungsinstitut Niedersachsen, [Evaluation of the Prostitute Protection Act](#), accessed February 2024.

<sup>101</sup> [Prostitute Protection Act](#), as last amended on 9 March 2021.

<sup>102</sup> A.-L. Ripperger, [SPD-Politikerin: Unionsbeschluss für Sexkaufverbot ist richtig](#), FAZ, November 2023.

<sup>103</sup> [Prostitution Act](#) as amended on 21 October 2016.

<sup>104</sup> BMFSFJ, [Report by the Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes](#), 2007, p. 9.

<sup>105</sup> Federal Criminal Police Office, [Situation report on human trafficking and exploitation 2022](#).

<sup>106</sup> For more information, see BMFSFJ, [The new Prostitute Protection Act](#), 2021.

<sup>107</sup> [Section of proanakrisi.gr website](#) with links to two legislative acts: Law 2734/1999 Persons issued for remuneration and other provisions, and Law 1193/1981 On venereal diseases protection and regulations.

<sup>108</sup> [Law 2734/1999](#), Government Gazette A' 161/5.8.1999.

<sup>109</sup> [How Sex Work Laws are Implemented on the Ground and Their Impact on Sex Workers: Greece Case Study](#), study from the Global Network of Sex Work Projects, 2019.

screenings to obtain a license to provide sexual services. Licenses for non-Greek individuals engaging in prostitution are valid for the same time as their residence permit,<sup>110</sup> if valid for less than three years. Moreover, they must carry a medical card, regularly updated under law 1193/1981, as people engaging in prostitution are subject to a strict health-monitoring regime aimed at avoiding sexually transmitted infection. Persons engaging in prostitution must undergo regular testing for such infections (every 15 days), for syphilis (every month) and for [HIV](#)<sup>111</sup> (every three months).

According to **Law 2734/1999**, sexual services are only allowed within state-licensed brothels.<sup>112</sup> Moreover, prostitution is not permitted in buildings within a radius of less than 200 metres of churches, schools, kindergartens, nurseries, day-care centres, nursing homes, youth centres, sports centres, boarding schools, libraries and charitable institutions, as well as distant from squares, playgrounds and other public buildings. Local authorities have the power to define the number of licences per municipality. Additionally, only one brothel is permitted per building. An apartment can be used as a brothel only with the owner's consent, plus that of all the other people living in the building. Specific requirements and licenses are also envisaged for brothel owners and for all the staff: for instance,<sup>113</sup> maids must be aged over 50 years, possess valid residency documentation, and undergo the same medical examinations as those engaging in prostitution. However, only a few licensed brothels<sup>114</sup> are active in Greece, and they cover only a small percentage of the actual sex industry in the country. Although prostitution outside of state-licensed brothels is formally illegal, in practice those engaging are not prosecuted.

The criminalisation approach to prostitution is governed by Act 2734/1999,<sup>115</sup> as amended by Article 31 of Act 3904/10, pursuant to which the crime of engaging in prostitution may be punished by a fine not exceeding €3 000. Furthermore, people involved in violent exploitation of sexual freedom and the promotion of prostitution face the relevant provisions<sup>116</sup> of the Criminal Code, in particular Article 349 (pimping), Article 350 (exploitation of persons engaging in prostitution), and Article 351 (human trafficking). In addition, under Article 351, para. 3 of the Penal Code, clients face imprisonment of at least six months. Law 3064/2002<sup>117</sup> and Presidential Decree 233/2003<sup>118</sup> prohibit both human trafficking and forced labour, which may incur prison sentences of up to 10 years. Furthermore, under Article 323A of the Criminal Code on human trafficking,<sup>119</sup> the concept of exploitation includes obtaining any financial benefit from sexual acts performed by a victim. Perpetrators face financial penalties plus imprisonment between at least 3 and 10 years. Anyone

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<sup>110</sup> Website of the Directory of Health and Social Support Services for Sex Workers in Europe, [section](#) on the legal framework on sex work in Greece.

<sup>111</sup> [UNAIDS urges Greek authorities to repeal Sanitary Decree, press statement](#), Geneva, 31 July 2013.

<sup>112</sup> Directory of Health and Social Support Services for Sex Workers in Europe, [section](#) on the legal framework in Greece on sex work.

<sup>113</sup> [The differing EU Member States' regulations on prostitution and their cross-border implications on women's rights](#), Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies, European Parliament, September 2021.

<sup>114</sup> [How Sex Work Laws are Implemented on the Ground and Their Impact on Sex Workers: Greece Case Study](#), Global Network of Sex Work Projects, 2019.

<sup>115</sup> [Answers to the questionnaire from the Chairman-Rapporteur of the Working Group to combat discrimination against women in law and in practice](#), Ministry of Justice, 2015.

<sup>116</sup> [Answers to the questionnaire from the Chairman-Rapporteur of the Working Group to combat discrimination against women in law and in practice](#), Ministry of Justice, 2015.

<sup>117</sup> [Information and data on the issue of violence against women in Greece](#), Ministry of the Interior, Administration and Decentralisation, General Secretariat for Gender Equality, April 2005.

<sup>118</sup> *Ibid.*

<sup>119</sup> [Article 323A](#) of the Criminal Code.

who knowingly hires a victim of trafficking, accepts their services or has sexual intercourse with them may incur imprisonment of at least three years plus a fine.

In May 2021, the Ministry of Social Affairs published the 2021-2025 national action plan for gender equality<sup>120</sup>. Action 1.4.3 calls for the review and update of Law 2734/1999. It also notes a working group has been set up in the Ministry of Citizen Protection. Moreover, the plan stresses the need to provide alternatives as a means of preventing 'survival sex', for instance by strengthening access to the labour market and development of voluntary vocational training programmes, apprenticeship and professional guidance programmes.

In the public debate on prostitution, stakeholders raise a series of issues<sup>121</sup> in the Greek legal framework defined by Law 2734/1999, and call for legislative change.<sup>122</sup> Firstly, stakeholders stress that the legislation itself creates obstacles that lead to the illegality of prostitution, while in some cases it may also foster human trafficking instead of protecting those engaging in prostitution. The lack of regulation relevant to the digitisation of prostitution, together with several restrictions on the functioning of brothels and the ban on working on the street or in a hotel, impedes the constitution of prostitution as a free and safe employment. In particular, the Greek HIV Association<sup>123</sup> has called for the law to be amended, as well as the complete legalisation of prostitution – without restriction – and the equalisation of the rights of persons engaging in prostitution with the rest of the working force.

## Ireland

Prostitution in Ireland is covered by Part 4 of the Criminal Law (Sexual Offences) Act 2017,<sup>124</sup> which amends the Criminal Law (Sexual Offences) Act 1993.<sup>125</sup> Under this legislation, it is an offence to pay, promise to pay, or give any remuneration or compensation to another person in exchange for sexual activity. Sexual activity is described as any activity that a reasonable person would consider sexual, the law applies equally to men and women. Selling sexual services in Ireland is legal, it is not an offence to receive payment in exchange for sexual services, but it is an offence to advertise sexual services.

It is against the law to profit from the provision of sexual services of another person or to control or direct another's activities. It is also against the law to operate a brothel or allow a brothel to be operated in premises that you own or lease. People engaging in prostitution are also not allowed to work together in the same premises. For example, two such individuals sharing an apartment and providing sexual services there are operating a brothel under the law. If convicted of buying sexual services, an individual could be fined €500 for a first offence or €1 000 for a second or subsequent offence. However, under the 2017 Act, higher penalties apply if the person from whom the sexual service is bought is trafficked. If convicted in such circumstances, the maximum penalty is five years in prison, an unlimited fine, or both. It is however, a defence to prove that you did not know and had no reasonable grounds for believing the person was trafficked.

<sup>120</sup> [National Action Plan for Gender Equality 2021-2025](#), Ministry of Labour and Social Affairs, General Secretariat for Demography and Family Policy and Gender Equality, Athens, May 2021.

<sup>121</sup> [Sex work is work](#), blog post, A. Karagianni, June 2023.

<sup>122</sup> List of [ten reasons](#) why Greek sex worker organisation Red Umbrella Athens advocates for legislative reform on prostitution in Greece.

<sup>123</sup> [Positive Voice](#), website of an association of people living with HIV in Greece.

<sup>124</sup> [Criminal Law](#) (Sexual Offences) Act 2017.

<sup>125</sup> [Criminal Law](#) (Sexual Offences) Act 1993.

The Department of Justice in Ireland is carrying out a review of the section of the Criminal Law (Sexual Offences) Act 2017 that makes it an offence to buy sexual services. At the end of 2023, it invited expressions of interest<sup>126</sup> to complete the review. The requirement for a review was a feature of the legislation itself, to assess its operation and impact on those most affected.

In 2020 a study entitled 'Shifting the burden of criminality',<sup>127</sup> analysed the Irish sex trade in relation to law reform, conducted by the sexual exploitation research programme at University College Dublin (UCD). The research was funded by the Department of Justice as part of the review of Part 4 of the Criminal Law (Sexual Offences) Act 2017. The aim of the study was to provide data on commercial sexual services in the context of the 2017 changes in legislation. The study identified that those involved in prostitution, the vast majority of whom were female, experienced a wide range of vulnerabilities and risk factors. The report found that the 2017 Act had made a significant impact on policing the sex trade; with a decline in women prosecuted under brothel-keeping laws. It recommended continued training in law enforcement to further embed the shift in burden of criminality on to the buyer.

Another study<sup>128</sup> published in September 2020 by Maynooth University researchers, with the support of the Irish Sex Worker Research Network and the Sex Workers Alliance Ireland (SWAI), which was commissioned by HIV Ireland, looked at the impact of the laws on the sale and purchase of sex arising from the Criminal Law (Sexual Offences) Act 2017. This report outlines the views of people engaging in prostitution on how to improve Ireland's existing legislative framework, including by ending criminalisation, and how to safeguard their health and wellbeing. The findings from this study point to the negative impact of current laws on the abilities of individuals engaging in prostitution to keep safe and reduce harm to their health and wellbeing, in line with mounting evidence from other jurisdictions where sex-buyer laws are in place.

## Italy

The law in Italy has not changed since 1958, when running a brothel, renting premises for prostitution, recruiting people to engage in prostitution, membership of or association with organisations exploiting people engaging in prostitution, and inducing people to move residence for prostitution were made illegal (Article 3 of Law no 75, the 'Merlin Law').<sup>129</sup>

Sanctions envisaged in these cases vary between fines ranging from €258 to €10 329 and imprisonment of two to six years. In addition, if the inducing/tolerance/facilitating takes place in venues such as bars, hotels, clubs etc. (Article 3 of Law 75/1958), their licence may also be withdrawn. Harsher sanctions apply if the recruitment, inducing or exploitation for the purpose of prostitution involves minors (less than 18 years, Article 600*bis* of the Criminal Code). Therefore, the sale or purchase of sex has [no criminal relevance](#) under Italian law today, as opposed to the [facilitation and exploitation](#) of prostitution. Street prostitution and independent prostitution in private homes are therefore legal, but unregulated. The Supreme Court of Cassation decided sexual services are subject to taxation and that refusing to pay a person engaging in prostitution may entail

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<sup>126</sup> [Expressions of Interest](#) to complete a review on the operation of section 7A of the Criminal Law (Sexual Offences) Act 1993, 10 October 2023.

<sup>127</sup> M. O'Connor and R. Breslin, [Shifting the Burden of Criminality, Dr Monica O'Connor and Ruth Breslin: An analysis of the Irish sex trade in the context of prostitution law reform](#), 2020.

<sup>128</sup> K. McGarry and P. Ryan, [Sex worker lives under the law: A community engaged study of access to health and justice in Ireland](#), 2020.

<sup>129</sup> [Legge 20 febbraio 1958, no 75](#), *Abolizione della regolamentazione della prostituzione e lotta contro lo sfruttamento della prostituzione altrui*.

liability for rape.<sup>130</sup> Moreover, the notion of 'exploitation of prostitution' is quite broad and includes the spontaneous transfer of revenues, without constriction, to the exploiter. According to a Supreme Court decision, this may include the behaviour of a spouse living from the income of their partner exercising prostitution (Judgment of the Supreme Court no 40841/2005). Similarly, the owner or manager of a hotel where a person engaging in prostitution remains with clients overnight could be criminally liable if they habitually tolerate such conduct (Judgment of the Supreme Court no 5457/2005). Renting premises to an individual engaging in prostitution is not criminally relevant as such, unless the owner is aware of the activity of the lessee, which might entail criminal responsibility.

Italian municipalities may adopt local regulations issuing administrative fines against both buyers and people engaging in prostitution under Law 125/2008. Local mayors may only adopt provisions against prostitution in emergency cases and for a limited period of time.<sup>131</sup> Article 601 of the Criminal Code<sup>132</sup> concerns human trafficking<sup>133</sup> (i.e. recruiting, bringing into the state or harbouring persons in the conditions of slavery to force them to engage in sexual activities). For this crime to occur, it is not necessary for the person to already suffer slavery, it is sufficient for an individual to be brought onto the national territory and subsequently induced to engage in sexual activities by deception or other means. The discussion on how to deal with the phenomenon of prostitution resurges periodically in Italy, with legislative proposals based on very different premises. In 2022, a proposal<sup>134</sup> was submitted to the Senate aimed at introducing the 'Nordic model', by inter alia considering the client criminally liable. A 2019 proposal<sup>135</sup> intended to prohibit prostitution in public places and restrict it on private property, with provisions safeguarding the health of those engaging in prostitution. In 2016, it was proposed<sup>136</sup> to criminalise clients of persons engaging in prostitution. Earlier, in 2013, it was proposed to recognise<sup>137</sup> prostitution activity from a tax perspective, including the possibility to register with the Chamber of Commerce, regularly rent premises for the exercise of the activity without the owner risking criminal liability, and providing pension rights.

## Lithuania

Prostitution is illegal in Lithuania. Under Article 487 of the [Lithuanian Code of Administrative Offences](#),<sup>138</sup> both the activities of individuals selling sex and those buying it constitute an administrative offence. They are both punishable with a fine of between €90 and €140. If the offence is committed repeatedly, the fine rises to between €140 and €300. Both first-time and repeated offences may also incur an administrative sanction, such as an obligation to participate in alcoholism or drug addiction prevention programmes, healthcare and wellbeing or socialisation training, among

<sup>130</sup> Judgments no [20528/2010](#) and [10578/2011](#) and Judgment [8286/2010](#).

<sup>131</sup> Italian Constitutional Court (Judgment no [115/2011](#)).

<sup>132</sup> [Article 601](#), Italian Criminal Code.

<sup>133</sup> [Italian Chamber of Deputies](#), Human trafficking.

<sup>134</sup> [Atto Senato n. 2537 XVIII Legislatura Modifiche alla legge 20 febbraio 1958, n. 75, e altre disposizioni in materia di abolizione della prostituzione](#), amendments to Law No 75 of 20 February 1958 and other provisions on the abolition of prostitution, 2022.

<sup>135</sup> [Atto Senato n. 1047 XVIII Legislatura Disposizioni in materia di disciplina dell'esercizio della prostituzione](#), Provisions governing the exercise of prostitution, 2019.

<sup>136</sup> [Atto Senato n. 2563 XVII Legislatura Modifica all'articolo 3 della legge 20 febbraio 1958, n. 75, concernente l'introduzione di sanzioni per chi si avvale delle prestazioni sessuali di soggetti che esercitano la prostituzione](#), Amendment to Article 3 of Law No 75 of 20 February 1958 on the introduction of penalties for those who use the sexual services of persons engaging in prostitution, 2016.

<sup>137</sup> [Atto Senato n. 1201 XVII Legislatura Regolamentazione del fenomeno della prostituzione](#), Regulation of prostitution, 2013.

<sup>138</sup> [Lithuanian Code of Administrative Offences](#), No 2015-11216.

other initiatives. However, in several specific cases, the person engaging in prostitution is exempt from administrative responsibility. In particular, those engaging in prostitution by means of physical or mental coercion or deception, or materially, service or otherwise dependent individuals, are not punished. In addition, minors, regardless of how they are induced into prostitution, and recognised human-trafficking victims, are exempt.

In certain cases, involvement in prostitution activities may also constitute a criminal offence. The [Criminal Code](#)<sup>139</sup> of the Republic of Lithuania states that profiting from another person's prostitution (Article 307) and engagement of a person in prostitution (Article 308) are crimes and can incur a fine, restriction of liberty, arrest or imprisonment. Under Article 307, generating income from another person's prostitution is punishable by a fine, restriction of liberty, arrest, or imprisonment for up to four years. The organisation or management of prostitution or transportation of a person, with the latter's consent, to or from the Republic of Lithuania incurs imprisonment of up to six years. Organising, managing or otherwise profiting from the prostitution of a minor is punished by imprisonment from 3 to 10 years. Under Article 308, introduction of a person into prostitution is a criminal offence incurring a fine, restriction of liberty, arrest, or imprisonment of up to three years. If coercion or deception is used, or a materially, service or otherwise dependent person is involved, the offence results in imprisonment from two to seven years. The recruitment or inducing of a minor by any means incurs imprisonment between 3 to 10 years. In addition, under Article 147 of the Criminal Code, human trafficking for commercial sexual exploitation would result in imprisonment of between 2 and 10 years, or between 4 and 12 years if the offence concerns two or more victims. In the same vein, using a service when knowing or 'being able to know' that the person engaging in prostitution is constrained by physical violence, threat, fraud or other acts of exploitation, could incur restriction of liberty, or arrest, or imprisonment for up to two years. However, the exemption from criminal liability under Article 147 could be applied for those, who, before being identified as a suspect, voluntarily report the incident to and actively cooperate with the law enforcement authority. Finally, under Article 151(1), having sexual intercourse or otherwise satisfying sexual activity with a minor after offering, promising or giving monetary or other form of remuneration (but in the absence of rape or coercion), can incur a public service penalty, a fine, restriction of liberty, arrest, or imprisonment for up to five years.

In 2014, arguing that the current law contributes to the stigmatisation of those engaging in prostitution, the perpetration of sexist views of women, and incites further violence against women, the Parliament of Lithuania adopted resolution no XII-1464<sup>140</sup> on criminal liability for purchasing sexual services. In line with the 'Nordic model', this offered to punish only buyers of sexual services, rather than those engaging in prostitution. The resolution proposed that the government prepare relevant amendments to the law; however, no action was taken. In 2019, the Parliament followed up with the proposed amendments to the Criminal Code and the Code of Administrative Offences, which provided, on one hand, for administrative liability<sup>141</sup> for the provision of sexual services to be abolished, and for punishment of buyers to be reinforced, by introducing criminal liability<sup>142</sup> on the other. According to the project, seeking or using sexual services would constitute a criminal offence punishable by a fine between €750 and €2 500, or arrest and detention from 10 to 45 days. The Human Rights Committee of the Parliament approved<sup>143</sup> the proposals, underlining the need to de-

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<sup>139</sup> [The Criminal Code of the Republic of Lithuania](#), No 1001010ISTAIII-1968.

<sup>140</sup> [Parliament resolution no. XII-1464 on criminal liability for purchasing sexual services](#), 2014.

<sup>141</sup> [Repeal of Section 487 of the Code of Administrative Offenses](#), 2019.

<sup>142</sup> [The bill to supplement the Criminal Code with Article 147\(3\)](#), 2019.

<sup>143</sup> [Human Rights Committee supports the criminalisation of the use of remunerated sexual services](#), press release of 30 April 2020.

victimise those engaging in prostitution and facilitate their access to assistance and justice, as well as the need to reduce the demand for sexual services. However, the government rejected<sup>144</sup> the proposals, explaining that the proposed measures would not be effective, proportionate or rational. Instead, the government suggested<sup>145</sup> making better use of the existing legal measures, and considering increasing the administrative fines for purchasing sexual services.

## Malta

Prostitution of adults in Malta is generally not criminalised, except for certain aspects. The main legislation regarding prostitution is Chapter 63<sup>146</sup> of the Laws of Malta, the 1930 White Slave (Suppression) Ordinance. Under the legislation it is a crime, inter alia, to:

- live off the earnings of prostitution of another person (Article 7(1)) – if that person is an adult, punishment is imprisonment of maximum two years and if that person is under 18 years old, punishment is between 18 months to 4 years imprisonment;
- loiter or solicit for the purposes of prostitution (Article 7(2)) – maximum punishment is six months in prison;
- keep or manage a brothel (Article 8) – punishment is maximum imprisonment of two years and a fine not exceeding €465.87;
- let or permit the use of a house or other premises for the purposes of prostitution (Article 10) – punishment is imprisonment between one to six months.

The Criminal Code<sup>147</sup> prohibits someone from forcing, deceiving or manipulating someone into prostitution. Article 197(3) punishes compelling to prostitution by violence or threats and inducing to prostitution by deceit of a descendant or spouse of age with imprisonment from three to six years. Under Article 205, the inducing of persons of age to prostitution by violence or deceit is punishable by three to seven years of imprisonment. Abuse of authority, of trust or of domestic relations, including if it is committed habitually or for gain, is punishable by imprisonment between four to nine years. Forced prostitution falls under the category of crimes against humanity under Article 54C of the Criminal Code. Trafficking a person of age for the purpose of exploiting that person in prostitution is punished by 6 to 12 years in prison (Article 248B of the Criminal Code). However, Maltese law does not criminalise clients of adults engaging in prostitution, even if they are victims of human trafficking.

Child prostitution is considered an unlawful sexual activity (Article 204 of the Criminal Code), as is inducing of a child to prostitution, which is punishable by imprisonment between three to six years (6 to 9 years if the child is under 12 years of age and 6 to 12 years if threats or force are used). Participating in sexual activities with a person under age, where recourse is made to child prostitution, is punishable by imprisonment of five to ten years. Recruiting, engaging, exploiting or living off the profits of the prostitution of an underage person is illegal (Article 204B) and punishable by 5 to 10 years imprisonment (in certain cases 6 to 12 years). The Civil Code<sup>148</sup> of Malta is also relevant to prostitution. Article 1618 allows for the automatic termination of rent if it is determined that the rental location is being used for prostitution, and Article 623 holds that a descendant can

<sup>144</sup> [Iš gerosios praktikos Lietuva mokytis nenori: sekso paslaugų pirkėjai gali ir toliau ramiai miegoti](#), 2020 (article in *LRT.lt*, unofficial English translation: Lithuania does not want to learn from good practice: buyers of sexual services can continue to sleep peacefully).

<sup>145</sup> [On the repeal of draft law No XIII-4099 of the Supplement to the Criminal Code of the Republic of Lithuania by Article 147-3 and Article 487 of the Code of Administrative Offenses of the Republic of Lithuania](#), 2021.

<sup>146</sup> [White Slave Traffic \(Suppression\) Ordinance](#), Chapter 63 of the Laws of Malta.

<sup>147</sup> [Criminal Code, Chapter 9 of the Laws](#) of Malta.

<sup>148</sup> [Civil Code, Chapter 16 of the Laws](#) of Malta.

be disinherited if engaged in prostitution. In 2019, the Maltese government initiated discussion on a prostitution reform via public consultation<sup>149</sup> to gather feedback from governmental and non-governmental experts working in the field. The Malta Women's Lobby<sup>150</sup> and the National Commission for the Promotion of Equality (NCPE),<sup>151</sup> among others, have taken a position in favour of the decriminalisation of prostitution coupled with the penalisation of sex buyers.

## The Netherlands

Prostitution is legal and regulated since 2000, when the general ban on brothels and pimping was abolished.<sup>152</sup> A distinction is made between forced prostitution, punished under Article 273f(1)(3) of the Criminal Code,<sup>153</sup> and voluntary prostitution, which has been regulated. Since 1 January 2022, with the introduction of Article 273g of the Criminal Code,<sup>154</sup> clients who have full knowledge or who have grounds to believe that they are purchasing the services of a victim of human trafficking can be punished with up to four years' imprisonment or a fine of the 'fourth category' (up to €25.750).<sup>155</sup>

Regulation of the sex market is decentralised. In accordance with the Municipalities Act, local authorities can adopt by-laws concerning prostitution in their respective municipalities (Articles 149 and 151a of the Municipalities Act).<sup>156</sup> Chapter 3 of the model General Municipal By-Law,<sup>157</sup> created by the Dutch Association of Municipalities (followed by several local authorities), contains rules governing prostitution, such as licensing requirements. Because many municipalities have based their own by-laws on this model, there is considerable overlap in the municipal by-laws across the country. In general, brothels are required to obtain a licence and to comply with safety, sanitation, fiscal accountability and health regulations. Outdoor prostitution is restricted to designated areas known as *tippelzonen*. Since the legalisation of prostitution in 2000, several bills have been proposed to reform the system, seeking to address issues such as forced prostitution and sexual exploitation.

Although still pending, the draft law on sex work first proposed in 2009 and later amended in 2014 and 2021 (*Wet regulering sekswerk*)<sup>158</sup> proposes a centralised licensing system. The proposal furthermore states that applicants for prostitution licences need to be at least 21 years old (de facto raising the age limit) and be a legal resident. The proposed law would also introduce an article in the Criminal Code criminalising clients buying services from unlicensed individuals. This bill is still pending. In January 2021, the Dutch Council of State issued a negative recommendation<sup>159</sup> on the bill. It considered that the licensing system would set a high barrier to practising the profession legally, which could lead to an increase in illegal prostitution. It therefore considered that the

<sup>149</sup> [An Initiative to Combat Trafficking in Human beings, Project Management & Communication Plan](#), Ministry of Home Affairs, Security, Reforms and Equality, 2022.

<sup>150</sup> [Buying of sex should be outlawed and penalised – Malta Women's Lobby](#), *Malta Independent* online, 2023.

<sup>151</sup> [A human rights approach to the prostitution reform entails the penalisation of sex-buying](#), press statement from the National Commission for the Promotion of Equality, 2020.

<sup>152</sup> [Wet van 28 oktober 1999 tot wijziging van het Wetboek van Strafrecht, enige andere wetboeken en enige wetten \(opheffing algemeen bordeelverbod\)](#), Official Gazette of the Kingdom of Netherlands, published 9 November 1999.

<sup>153</sup> [Wetboek van Strafrecht](#) (Criminal Code), Article 273f.

<sup>154</sup> [Wetboek van Strafrecht](#) (Criminal Code), Article 273g.

<sup>155</sup> [Hoe hoog zijn de boetes in Nederland?](#) (How high are the fines in the Netherlands?), website of the Government of the Netherlands.

<sup>156</sup> [Gemeentewet](#) (Municipalities Act)

<sup>157</sup> [Algemene plaatselijke verordening](#) (General Municipal By-Law)

<sup>158</sup> [Wet regulering sekswerk](#), webpage of the Bill Regulation of Sex Work at Tweede Kamer (House of Representatives)

<sup>159</sup> [Opinion of the Council of State](#) on the Bill Regulation of Sex Work



licensing system could achieve the opposite of the bill's intention. A study,<sup>160</sup> published by the Scientific Research and Documentation Centre (WODC) of the Ministry of Justice in 2022, came to a similar conclusion but those involved also showed more understanding for a licensing requirement for companies. This study also concluded that a '(partial) criminalisation deteriorates the position and working conditions of sex workers' and that there is little evidence that such criminalisation would lead to a fall in demand. Moreover, the study found that the effects of various policy variants are not so much determined by the variant chosen, 'but much more by individual measures, the way these measures are implemented, and the extent to which they are being enforced.' It also considered that little empirical research has been conducted on some of the policy variants.

## Poland

In Poland, the sale and purchase of sex are legal but not subject to specific regulation. By contrast, various forms of third-party involvement are criminalised under Articles 203 and 204 of the [Polish Criminal Code](#).<sup>161</sup> Moreover, the Code of Misdemeanours prohibits soliciting under penalty of arrest, restriction of liberty or a fine.<sup>162</sup> Whereas brothels in Poland are officially registered as escort agencies, implying that they do not offer sexual services, it is widely known that they do provide such services.<sup>163</sup> Human trafficking is defined in legislation and punished by imprisonment of between 3 and 20 years (Article 189a of the Criminal Code). However, the knowing use of services of human-trafficking victims is not criminalised.

The regime in place has been in operation since 1952, when Poland ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. However, discussions, held mostly within academic circles, have called into question some of its aspects. Whereas some commentators highlight the diversity of approaches adopted by other EU Member States, there seems to be no substantial support for one specific model.<sup>164</sup>

Taxing income generated by prostitution is one focus in the prostitution discourse. The Supreme Administrative Court (NSA) and tax offices throughout the country have examined this issue.<sup>165</sup> Under legal provisions on personal income tax, it is not possible for revenues to be derived from activities that cannot be the subject of a legally effective contract.<sup>166</sup> In practice, this had been exploited by persons unable to demonstrate the source of their revenues, claiming these revenues originated from prostitution and were thus untaxable.<sup>167</sup> However, the NSA ruled that the taxpayer needs to present facts and evidence substantiating such claims.<sup>168</sup> Whereas some commentators

<sup>160</sup> [De aard en effecten van prostitutiebeleid](#), study on prostitution by the Scientific Research and Documentation Centre of the Ministry of Justice, 2022.

<sup>161</sup> [Ustawa z dnia 6 czerwca 1997 r. – Kodeks karny](#), *Dz.U. 1997 nr 88 poz. 553* (Act of 6 June, 1997 – Criminal Code, Journal of Laws 1997, No 88, item 553).

<sup>162</sup> [Ustawa z dnia 20 maja 1971 r. – Kodeks wykroczeń](#), *Dz.U. 1971 nr 12 poz. 114* (Act of 20 May 20, 1971 – Code of Misdemeanours, Journal of Laws 1971 No 12, item 114), Article 142.

<sup>163</sup> A. Weatherburn, Z. Lasocik, Ł. Wieczorek, K. Rejmer-Jobczyk, and P. De Hert (Ed.), [op. cit.](#), p. 36.

<sup>164</sup> [Ibid.](#), pp. 29–30; The report stated there was no active ongoing discussion around prostitution among Polish politicians and policy makers and that the debate was insufficient to promote a certain legislative model, a statement that still appears to be true.

<sup>165</sup> Individual tax interpretations related to the taxation of prostitution can be found in the customs and tax interpretation system available at <https://eureka.mf.gov.pl/>.

<sup>166</sup> [Ustawa z dnia 26 lipca 1991 r. o podatku dochodowym od osób fizycznych](#), *Dz.U. 1991 nr 80 poz. 350* (Act of 26 July 1991, on Personal Income Tax, Journal of Laws 1991, No 80, item 350), Article 2.

<sup>167</sup> M. Kowalewska-Łukuć, [Prostytucja i czerpanie z niej korzyści majątkowych – analiza prawnoporównawcza](#), Instytut Wymiaru Sprawiedliwości, p 21.

<sup>168</sup> [Wyrok Naczelnego Sądu Administracyjnego z dnia 12 lipca 2018 r. w sprawie II FSK 2135/1](#) (Judgment of the Supreme Administrative Court of 12 July 2018 in case II FSK 2135/1).

have called for a change to the law to allow taxation of income derived from prostitution, critics argue that Article 204 in the Polish Criminal Code (which criminalises the act of deriving financial benefits from another person's prostitution), prevent this.<sup>169</sup>

The concept of 'virtual prostitution', encompassing activities such as webcamming, is another debated element, with uncertainty regarding the application of criminal law provisions to such forms of prostitution.<sup>170</sup> In 2021, a notable case emerged involving arguably the most popular website for sexual advertisements in the country, shedding light on a more general issue of the limited instances of bringing criminal charges related to prostitution offences.<sup>171</sup> The media discourse in Poland tends to centre on the social acceptability of 'sex work' and the concerns about the untaxed nature of such services.

## Romania

In Romania, prostitution has recently become legal, but soliciting in public spaces remains subject to a fine. Prostitution is not regulated as a profession. The new Criminal Code,<sup>172</sup> which entered into force in 2014, removes the practice of prostitution from the criminal offences. However, according to a 1991 law (no 61/1991),<sup>173</sup> still in force, soliciting in public spaces remains subject to a fine of between RON500 and RON1 500 (€100 to €300). According to Article 2(6), 'the luring of persons in any form whatsoever on food and drink premises, parks, streets or in other public places to engage in sexual intercourse in order to obtain a material gain, as well as encouraging or inducing, for the same purpose, a person to commit such acts', is a contravention subject to the fine described above.

The Criminal Code continues to criminalise certain acts related to exploitative forms of prostitution. It defines sexual exploitation in Article 182(c) as 'compelling someone to engage in prostitution, pornographic performances with a view to the production and dissemination of pornographic material or in other forms of sexual exploitation'. Under the legislation, clients of persons engaging in prostitution who are aware that these are victims of human trafficking can be subject to a prison term of six months to three years, or a fine (Article 216). Clients of minors engaging in prostitution face imprisonment of three months to two years, or a fine (Article 216.1). Pimping risks imprisonment of 2 to 7 years, or 3 to 10 years if the perpetrator uses force to coerce the victim (Article 213).

The current status of prostitution in Romania remains a topic of public debate. Individuals engaging in prostitution soliciting in public spaces are sometimes subject to the fines provided for in the 1991 law. This can lead to an unmanageable debt burden.<sup>174</sup> Because such people have no formal revenue and often own no property that could be confiscated, the law states they can be required to provide community work<sup>175</sup> as an alternative punishment to fines. Politicians have called<sup>176</sup> to regulate prostitution. A 2010 legislative proposal<sup>177</sup> to regulate prostitution tabled in parliament was rejected.

<sup>169</sup> M. Kowalewska-Łukuć, *op. cit.*, pp. 73-74.

<sup>170</sup> M. Kowalewska-Łukuć, *Prostytucja, usługi seksualne i przestępstwa okolo prostytutki w prawie karnym – próba uporządkowania pojęć*, *Prawo w Działaniu*, 51/2022, pp. 101-103.

<sup>171</sup> *Seksbiznes w Polsce ciggle w szarej strefie. Prawo go nie widzi*, W. Ziomek, 2021 available at: [www.finance.pl](http://www.finance.pl)

<sup>172</sup> *CODUL PENAL din 17 iulie 2009*, MONITORUL OFICIAL nr. 510 din 24 iulie 2009.

<sup>173</sup> *LEGE Nr. 61 din 27 septembrie 1991 pentru sancționarea faptelor de încălcare a unor norme de conviețuire socială, a ordinii și liniștii publice*, MONITORUL OFICIAL NR. 196 din 27 septembrie 1991.

<sup>174</sup> *BAIA MARE. Prostituate datornice la stat. Una a strâns amenzi de 162.775 lei*, ZiarMaramures, 2023.

<sup>175</sup> *O prostituată care a acumulat datorii uriașe din amenzi, obligată să presteze muncă în folosul comunității*, *adevărul.ro*, 2021.

<sup>176</sup> Such as from former president Băsescu; see *Traian Băsescupropune legalizarea prostituției în România pentru diminuarea traficului de persoane*, *mediafax.ro*, 2019.

<sup>177</sup> *Silviu Prigoană a depus la Parlament o propunere legislativă privind legalizarea prostituției*, *mediafax.ro*, 2010.

Arguments in favour of regulation have pointed to the alleged public-health and fiscal benefits, as well as to the expected positive impact in terms of reducing human trafficking. However, these are met with strong opposition from churches<sup>178</sup> and conservative civil society associations.<sup>179</sup> Human trafficking is a serious issue<sup>180</sup> in the context of prostitution in Romania. The National Agency for Fighting Human Trafficking estimates that in 2022,<sup>181</sup> 80 % of victims of human trafficking were women, and at least 60 % were sexually exploited. Roughly half of the victims were minors.

## Sweden

As previously noted, Sweden is the first country in the world to have outlawed the purchase of sexual services. In contrast, Sweden does not prohibit the provision of sexual services. The 'Swedish' or 'Nordic model' is based on the understanding that as the majority of prostitution involves male buyers of sexual services provided by females, such transactions constitute a form of violence against women. Legislation is one component of a broader framework that includes policy instruments and services implemented within the unique context of Sweden.

After nearly three decades of activism, Sweden criminalised purchasing sex through the 1999 Law on the Prohibition of the Purchase of Sexual Services (the Sex Purchase Act – *Sexköpslagen*). Under the act, paying for sexual services is punishable with fines or imprisonment of up to six months. In 2005, the law was integrated in Chapter 6 ('On sexual offences') of the Swedish Criminal Code.<sup>182</sup> In 2011, the Criminal Code was amended to extend the maximum imprisonment sentence to one year. Additionally, a 2022 amendment removed the option of imposing fines, specifying that the offence must invariably result in a prison sentence of up to one year.<sup>183</sup> Chapter 6 also criminalises third-party activities such as pimping, procuring, living off immoral earnings and brothel-keeping. Swedish gender equality policy aims at ending male violence against women, and combating prostitution and human trafficking are important aspects. Although Chapter 6 of the Criminal Code does not expressly mention human trafficking, reducing demand for purchasing sexual services is assumed to act as an anti-trafficking measure. The Swedish Equality Agency has emphasised the link between prostitution and human trafficking, describing them as 'clearly intertwined' issues that 'cannot be viewed as two entirely separated phenomena'.<sup>184</sup> In 2018, the Swedish Government addressed both in a national action plan to combat prostitution and human trafficking.<sup>185</sup> The two issues are also mentioned in the 2017–2026 national strategy to prevent and combat men's violence against women.<sup>186</sup>

Debate continues in Sweden regarding the effectiveness of the 1999 Sex Purchase Act. The Swedish government conducted an evaluation in 2010, which concluded that the criminalisation of purchasing sexual services had succeeded in preventing and combating prostitution and human trafficking. It credited the act with an over 50 % fall in street prostitution since 1995, a 50 % fall in demand for

<sup>178</sup> [Biserica împotriva prostituției și drogurilor ușoare](#), *Radio România Actualități*, 2009.

<sup>179</sup> [antiprostitutie.ro](#) is an information website militating against prostitution and its legalisation.

<sup>180</sup> [Fețele ascunse ale traficului de persoane din România. Patru povești cutremurătoare și o statistică](#), 2022.

<sup>181</sup> [Analiză succintă privind victimele traficului de persoane identificate în anul 2022](#), National Agency for Fighting Human Trafficking.

<sup>182</sup> *Brottsbalk (1962:700)*, 6 kap. [Om sexualbrott](#), 11 §.

<sup>183</sup> [Lag om ändring i brottsbalken](#), 2022.

<sup>184</sup> [Prostitution policy in Sweden – Targeting Demand](#), Swedish Gender Equality Agency, 2022, last updated in April 2023, p. 16.

<sup>185</sup> [Handlingsplan mot prostitution och människohandel](#), 2018.

<sup>186</sup> [Nationell strategi för att förebygga och bekämpa mäns våld mot kvinnor](#); for description in English see [Sweden's work to combat men's violence against women](#), Government Offices of Sweden, January 2023.

sexual services and deterring human-trafficking networks. Furthermore, the act was credited for a change of attitude in society, with the population mostly in favour of the purchase prohibition.<sup>187</sup> However, the 2010 evaluation was criticised by public institutions and academics, questioning these claims.<sup>188</sup> For example, the Ombudsman for Discrimination and the National Board of Health and Welfare questioned the evaluation's methodology and sources and considered its conclusions as too far-reaching with respect to the Act's efficacy.<sup>189</sup> In 2021, the Gender Equality Agency concluded a mapping of prostitution and human trafficking. Results showed that while street prostitution had continued to decline in several cities, the number of websites marketing the sale of sexual services had increased since a national survey conducted in 2014.<sup>190</sup>

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<sup>187</sup> Swedish Government Report (2010), *Evaluation of the Prohibition of the Purchase of Sexual Services 1999–2008*. See also Swedish Gender Equality Agency, 2022, *op. cit.* p. 8. See however Ch. Holmström and M-L. Skilbrei, [The Swedish Sex Purchase Act: Where Does it Stand?](#), Oslo Law Review, vol. 4 issue 2, 2017, pp. 91–92 for a more nuanced assessment of public opinion on the act.

<sup>188</sup> See e.g. J. Levy and P. Jakobsson, [Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers](#), Criminology & Criminal Justice, vol. 14(5), 2014; Ch. Holmström and M-L. Skilbrei, *op. cit.*; N. Vuolajärvi, [Governing in the Name of Caring—the Nordic Model of Prostitution and Its Punitive Consequences for Migrants Who Sell Sex](#), Sexuality research & social policy 16.2, 2019. For a different outlook, see G. Ekberg, [The Swedish Law that Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings](#), Violence against women, vol.10, 2004.

<sup>189</sup> [Sexual Exploitation and Prostitution and its Impact on Gender Equality](#), study, European Parliament, 2014, p. 55.

<sup>190</sup> Prostitution and human trafficking, The Swedish Gender Equality Agency, 2021.

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Considerable differences of opinion characterise the public debate on the regulation of prostitution in the EU. This results in a complex legal and policy landscape. A lack of comprehensive statistical data complicates the picture, and the choices legislators make are deeply rooted in overarching ideological approaches. At EU level, the European Parliament has long been the primary forum for debating prostitution issues.

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