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# PROSTITUTION IN THE EU

What's the problem represented to be?

Sanna Jonsson

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## Abstract

This study presents perceptions of prostitution found in the legislation debate in the EU and in which way these affect the policy making by examining EU policy documents and the European Women Lobby's statements on future prospects. To unveil the discourses and stigmas of prostitution and their effect feminist theories is a necessity. The feminist theories can be used to unwrap and understand the stigmas and discourses of prostitution and with the help of Carol Bacchi's (2009) method of discourse analysis "What's the problem represented to be?" the study develops an understanding for how we are governed. There are definitely traces of both the "whore" stigma and the "victim" stigma in the debate of prostitution legislation, reproduced by the discourse of victimization and the discourse of the happy prostitute, which shows that the governing has not been made completely objectively and the legislation also has spill over stigmas on the buyers believing that they will follow the national laws. Resulting in that the wants and needs of those affected by the legislation are being assumed by others out of stigmatization. However, despite the EU resolution the member states act alone on the matter and still have different legislation.

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# 1. Introduction

Equality between the sexes is a wide spread subject by now and yet the world has a long way to go before reaching it. Every day we hear and fight for different inequalities. United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) became an international treaty in 1981 and by the tenth anniversary, close to one hundred countries had ratified the convention. Article 6 of the convention states that each country should do what they can, even legislate, to prevent all forms of traffic in woman and exploitation of prostitution of woman (CEDAW, 1979) for the gender equality.

However, in the member states of The European Union there is no consensus on what that legislation would look like. Through the Schengen Agreement it is possible, with a European passport, to move freely across borders, which enables trafficking of humans from the more socio-economically disadvantaged areas to the richer parts of EU. This factor led to the importance of the Human Trafficking Directive 2011/36/EU which states that the EU should actively try to decrease human trafficking within the EU. One part of human trafficking is the sex industry, often called sex trafficking, which is the part where prostitution often becomes part of the discussion, especially in the EU. In 2014 the EU decided on a common resolution regarding prostitution, but since it is not a supranational policy the legislation framework still differ between member states.

The EU actively want to create a more equal Europe where men and women can feel that they have the same opportunities and are not being treated differently. Even though all the member states in the European Union are part of the United Nations who urge counties to do what they can for equal treatment of women including legislating to prevent trafficking and sexual exploitation in prostitution, legislation on prostitution looks different in each country and there is a lot of discussion on which legislation works most favorably for this goal. Somehow it seems almost impossible for the member states to agree on which legislation works the best to protect women being sex trafficked and at the same time give equal rights to men and women. Stigmas shape our thinking almost undetectably, but by uncovering these we can come on step closer to challenging and developing the way we understand and think about policies.

## 1.1 Aim of Study and Research Questions

Prostitution does not necessarily include sex trafficking, but sex trafficking includes prostitution. When EU is debating the issue of sex trafficking and female exploitation the discussion on legislation turns to prostitution which is the subject for this study. In United Nations declaration of women's rights (CEDAW, 1979) they urge every country to do what they can to stop exploitation of women and EU took it upon them to move the discussion to the supranational level to further urge the countries to change their legislation. However, there is much debate on whether they are urging the "right" legislation, which is why the aim of this study is to capture the social constructions that produced these policies and what assumptions that are imbedded in the debate. By doing so, we can get an understanding for how our presumptions effect the way we are being governed and maybe challenge the way we see the prostitution debate.

Which perceptions of prostitution can be found in the legislation debate in the EU and what effects do they have on how different policy approaches are being shaped?

## 2. Theory and Previous research

### 2.1 Previous Research

The chapter will present previous research which I found by using the main search words “prostitution”, “sex work”, “EU”, “legislation”, “stigmatization”, “trafficking” and “buyer of sex”. The overview is done with contextualizing the issue in mind. I started off with finding the European Union’s standpoints to proceed from and continued with forming an understanding for prostitution as a social phenomenon which ultimately leads up to the stigmatization of prostitution. As the research questions concerns mainly the perceptions of prostitution, I start off the chapter by presenting the previous research on this matter working my way up to the legislation in EU countries.

#### 2.1.1 Background: The essence of prostitution discourses

Firstly, I want to point out that the usage of the terms prostitute/prostitution or sex worker/sex work has become a highly debated and controversial subject, therefore I want to start off with explaining how I will use the terms in this study. Prostitution does not have to be trafficking, but in the EU-discussion these phenomenon are discussed very closely and it is in the light of this my study takes place. The definition of prostitution is as a more “neutral” term than sex work when speaking of buying and selling sexual services, and the term sex work will be used as the specific way of speaking about the act of selling sexual services as paid labor, also used as sex worker and then specifically referring to the person selling sexual services as paid labor without implying that it is in fact supposed to be considered as an employment choice. Neither of these terms is the same as sex trafficking and even though prostitution can be a part of trafficking it is important for the discussion to separate the definitions (Tertinegg, K. et al. 2007; 187-203). Human trafficking in this study is referring to all kinds of illegal imprisonment of humans in to compulsory labor (Berg, L. & Spehar, A. 2011; 220).

Prostitution as a social institution is much more complex than its legislation debate. First of all, a person can be a sex worker and not be a victim of trafficking. Second of all, there are more reasons that there are sex workers than sex trafficking. The focus of this study is the part of trafficking that leads to prostitution and due to the complexity that surrounds prostitution I cannot account for all the different reasons behind sex work in depth, but will focus on the discourses of understanding prostitution.

One way of perceiving prostitution is by connecting it to sex trafficking which I will call the discourse of victimization, which is a common discourse in feminist research and arguments (Lerum & Franklin, 2016). When reading previous research on why someone gets involved in prostitution there is a lot of studies made on streetwalking, which is just one category of sex work. Every woman who engages in sex work does not do streetwalking which is often assumed, there are escort services, call-girls, and strippers in this category too which is not as researched (Dalla 2000), but nevertheless these assumptions creates a discourse of the sex worker as a victim that needs to be saved.

Lyn Stankiewicz Murphy (2010) did a study on the social and economic context surrounding women in prostitution. She conducted interviews with 12 women who worked on the streets. She found that the reason women become sex workers can be a combination of various factors such as economic situation, mental health, trauma and substance abuse. Social context is very important when looking at why woman become sex workers and even get trafficked (Murphy 2010) which Farley et al. also found in her study from 2018 on the risks of prostitution childhood trauma, such as sexual abuse, appears to be a common experience amongst sex workers since it is such a common experience among sex workers. Such an experience causes direct psychological harm which affects people's future (Farley et al. 2018). It can however be argued that Murphy (2010) got the explained results because of that the study was conducted on subjects from an intervention program design to help prostitutes and that therefore the "happy prostitutes" were not going to be studied. Though, this is a common conception in the victimization discourse that "the happy prostitute" does not exist. Rochelle L. Dalla (2000) would argue for that conception as well. She states that the happy prostitute, called the "Pretty Woman" myth, is just that, a myth. Even though every woman that she interviewed in her study "Exposing the 'Pretty Woman' Myth: A Qualitative Examination of the Lives of Female Streetwalking Prostitutes" (2000) had their own unique story that made them become sex workers there were too many similarities in their experiences to be able to overlook those reasons, and none of those were similar to the happy prostitute from a movie like *Pretty Woman*. There are well documented risks of prostitution which one would only go through if absolutely necessary. All off the restrictions girls learn to be safe, such as not to walk alone at night at deserted streets, not to get into cars with strangers and to not let a man you don't know into your home, does most have to transgress at some point as a sex worker (Farley et al. 2018).

Even though there are many different factors for getting involved with prostitution, many of them substantiate from economic issues. It can be to support substance abuse, but it could also be to provide for children or to pay the rent (Murphy, 2010). Similar results were also found in Dalla's (2000) study and Krumrei-Mancuso (2017) found in her study of how sex work affects one's mental health that 48,9% of the sex workers answering her study said they started prostitution for financial reasons, but it is not specified whether it was for financial need or if it was desire for more luxury in life.

These researchers have all come to the conclusion that sex work either starts from a harmful experience or is harmful in itself, but there is also another perspective in this debate, where a society where casual sex is seen as acceptable, prostitution should be so as well. The other way of understanding prostitution is by the discourse of the happy sex worker. According to Ole Martin Moen (2012) the argument that prostitution is harmful is dismissible because of the acceptance of casual sex. Moen (2012) argues that it is not possible to say that these factors that are presented above are actually correlated with the selling of the sex as such and suggests that it can rather be correlated with the stigma of prostitution, similar to how the stigma off homosexuals made the suicide rate higher amongst homosexuals (Moen, 2012). He also dismantles the argument of prostitution being dangerous by pointing towards the risks associated with the criminalization of parts of prostitution (Farley et al. 2012), whereas criminalizing increases the chance of harm and violence towards the sex workers, both in cohesion and in medical ways such as a further spreading of HIV. All of which agrees with how the victimization discourse views prostitution, but researchers suggest that it looks like this because of the victimization discourse (Lerum & Franklin, 2016).

Those who perceive prostitution in this way usually argues for decriminalization of prostitution as it will benefit the sex workers by giving them rights and the change to organize (Hayes-Smith & Shekarkhar, 2010). Rebecca Hayes-Smith and Zahra Shekarkhar (2010) also argue that this discourse is based on the feminist perception of one's rights to decide over one's body, which can only be said when not presuming that all prostitution is sex trafficking or coercion by other third parties.

### **2.1.2 The Buying Stigma**

A lot of research has looked at why women are sex workers and how them staying in prostitution effects the community, almost like it is the sex workers have themselves to blame for getting



trafficked and sexually exploited. To not neglect a significant part of prostitution, previous research on the buyers will be presented as well. Therefore, I want to explain perceptions on whom the buyers are and how they too are stigmatized.

What is problematic with the buyers is that the market is theirs, meaning their demand makes the supplies available. Without the buyers there would be no prostitution, no sex trafficking and no pimps. The fantasies drives prostitution, which reportedly includes a lot of violence (Farley et al. 2018), where these fantasies comes from and are produced in society is a different question but should be acknowledged as deeply problematic as well, Tasha A. Menaker and Cortney A. Franklin (2018) suggest it partly comes from pornography, sexism, lack of self-control and victim blaming. Moen's (2012) arguments of the dangerous stigmatization of prostitution that comes from criminalizing parts of it and would be valid if it would be possible to ensure the safety of sex workers, but that is rarely possible. Even when it is legal, the buyer controls the market and what he wants is more powerful since they control the demand and the money.

Even tough that is the case, there are still harmful stigmatization on the buyer part as well, some that are more prominent than others. Since there has been most research made on the sex workers rather than the buyers there is not a lot of written stigmas on the buyers. However, that does not necessarily mean that there are none. Natalie Hammond (2015) states that recently with the new legislation debate concerning the Nordic Model as the best one, negative stigma has fallen on the buyer such as being the fuel for sex trafficking, abusive and as a user of another human being. Further, it was painted as a man with drug problems who is abusive and poor seeking someone to take their misery out on, a victim. Creating this stigma can be harmful in more ways than one. It is not just the buyers who get a terrible reputation, but it also makes the society believe that it is not regular guys engaging it this act which it is as well (Murphy, 2010).

Murphy (2010) found that the sex workers they talked to usually have clients that are regulars, meaning that those who buy sex for the most part buy sexual services from the same sex worker. The sex workers wanted it that way for themselves as well because they met the buyers in familiar surroundings and it felt safer which also is the reason they thought the buyers wanted it that way. They stated that there was not anything differential about the guys which is also Hammonds (2015) conclusion.

**2.1.3 The Different Approaches to Prostitution Legislation in the EU**

There are mainly four different approaches to prostitution legislation in EU member states: the first is the abolitionists regimes, which all have parts of prostitution unregulated. Secondly, there are some new Member States that have criminalized the sex workers, and they are part of the prohibitionist regimes. Then there is the third one, which is also part of the prohibitionists regimes, where one tries to prevent prostitution by criminalizing buyers, traffickers, pimps, and others who are involved in prostitution and sex trafficking, but where the person selling sex is not criminalized. This is also called the Nordic model within the EU. Fourth, the reglementarists regime, where sex work is an occupation and the state try to organize it. A common example of this regime is the Netherlands (Tertinegg, K. et al. 2007: 187; Zeegers & Althoff, 2015).

LEGISLATION TYPOLOGIES/MODELS ON PROSTITUTION IN THE 25 EU MEMBER STATES

MODEL ON PROSTITUTION	OUTDOOR PROSTITUTION	INDOOR PROSTITUTION	MEMBER STATES	% ON THE MEMBER STATES
<i>Abolitionism</i>	Not prohibited	Not prohibited	Czech Rep., Poland, Portugal, Slovakia, Slovenia, Spain	24%
<i>New abolitionism</i>	Not prohibited	Not prohibited (prohibited in brothels)	Belgium, Cyprus, Denmark, Estonia, Finland, France, Italy, Luxembourg	32%
<i>Prohibitionism</i>	Prohibited	Prohibited	Ireland, Lithuania, Malta, Sweden	16%
<i>Regulationism</i>	Regulated and therefore not prohibited when exercised according to the regulation	Regulated and therefore not prohibited when exercised according to the regulation	Austria, Germany, Greece, Hungary, Latvia, The Netherlands, United Kingdom	28%

Source: European Parliament (2005) *Study on National Legislation on Prostitution and the Trafficking in Woman and Children*. Transcrime.

As shown in the chart above there are many different approaches to prostitution in the European Union, and no supranational policy has been made. However, in 2014 the European Parliament did pass a resolution which essentially said they thought all EU member states should implement the Nordic model. Even though the resolution is merely a suggestion, it may form some guidelines for the member states (Outshoorn, 2018).

The Schengen Agreement which makes it possible for people with a passport from anywhere in the EU to move and travel to a different part of EU has some problematic spill-overs which

lands on trafficking. According to Raymond (2004) the European Court expressed concern about the Netherlands new prostitution legislation in 2000 where prostitution became legal. The European Court worried that as a result of EU member states having different prostitution legislation it enables trafficking of humans from the member states with economic vulnerability to regions with better economic conditions as a promise for a better life, finding themselves trapped in prostitution instead. Additionally Germany, where prostitution is also decriminalized, has a lot of trafficking victims from Central and Eastern Europe (Raymond 2004).

The debate in EU does not really separate trafficking from prostitution, and Outshoorn (2018) believes it is made this way to put prostitution on the EU agenda due to prostitution not being a part of the EU remit. Making prostitution a human rights issue and an issue of violence against women made the conversation possible for the EU to talk about on a supranational level even though a directive on the matter has not been made yet (Outshoorn, 2018).

While human trafficking is illegal in all of EU member states, different states approach the issue of trafficking differently, although prostitution legislation is central to trafficking policy in all the countries.

### ***The Background of the Legislation Debate***

Should it be viewed as an occupation, or as exploitation and in terms of violence against women? This is one of the fundamental issues of the debate. Germany and the Netherlands have established sex work as an occupation, which makes it possible to apply for a working visa as a “sex worker” (Raymond 2004). Meanwhile, Sweden is the focus in a lot of research because of its unique legislation from 1999 (Giddens, 2014: 429), where it is legal to be a sex worker but it is criminalized to buy sexual services. The argument for this form of legislation was that it would protect the trafficked victims and create a norm where people should not buy sex from others and change the public attitude towards prostitution, and researchers have suggested that there has been a change in how people perceive sex purchases in Sweden after implanting the Nordic model, as we call it today (Kuosmanen 2011). The Nordic model’s goal is to reduce the demand for sexual services and by doing so also reduce sex trafficking to Sweden (Zeegers & Althoff, 2015). The arguments for the Nordic model go in line with the perception of victimizing prostitutes in the victimization discourse.

However, there are other researchers pointing towards that this does not change the norm it just changes the location of the prostitution through for example sex tourism, where one travels abroad where prostitution is legal to buy sexual services (Oppermann, 1999), which brings me to the other side of the debate. The discourse of the happy prostitute becomes present here and finds that that by criminalizing the buyers it would just drive the “business” underground and make it harder for the sex worker to be safe since it happens behind closed doors because of the client’s needs, suggesting that the power lies with the client (Kuusmanen 2011). Previous stated argument is one that the Netherlands uses to motivate their legislation. The Netherlands chose to regulate the sex industry by making pimping and brothels illegal suggesting that it would mean a safer environment for the sex workers who can practice their jobs on their own terms, the goal was for sex workers to get organized. Furthermore, the Netherlands made a distinction between forced prostitution and voluntary prostitution in the legislation which feminist groups supported as it supposedly gave control back to the women selling sex (Zeegers & Althoff, 2015). However, Germany also claims to be a reglementarist regime and have not criminalized brothels (Raymond, 2007).

Raymond (2004) who argues for the implementation of the Nordic Model states that by decriminalizing there are more consequences than that the woman working in the sex industry are dignified, it also means accepting other parts of the sex industry. In turn decriminalization can be argued to be legitimizing the buyers of sexual services as consumers of sex, which is very problematic in terms of gender equality according to those for the Nordic Model. This perspective also suggests that social attitudes towards women cannot possibly benefit from decriminalizing considering that women become objects that can be bought, which also means buyers can start having demand in terms of looks and bodies (Raymond, 2004). These ideas are in line with the victimization discourse, and feminist theory has long argued that prostitution is a concept that has grown from patriarchy (Scoular, 2004) meaning the social structures that systematically exploits and suppresses women and favors men (Giddens, 2014: 424). This perspective sees prostitution as men’s violence against women (Scoular, 2004).

What seems to be the common issue of the discussion is the fact that it is hard to find statistics on the matter, since both prostitution and trafficking is illegal in many countries hence, it is difficult to argue with statistics. For example, Sweden’s statistics on prostitution may have gone down after the prohibition legislation of buyers, but it could just be that it is not out in the open

in the same way, and that the phenomenon of prostitution is less visible. Although it may be true that prostitution became less visible, there is, on the other hand, research made on the brothels in the Netherlands after decriminalizing prostitution, which found that 80% of the women were trafficked from other countries. Germany is close to the same percentage as well (Raymond, 2004). Raymond (2004) does however argue that prostitution is a gendered issue since there are more women than men selling sex and that the vast majority of the buyers are men, which also is an ongoing theme throughout the previous research. I would like to state that I am aware of the fact that it exists male and transgendered sex workers as well, but they are not prominent in this study.

## 2.2 Theory

This chapter will present a way of analyzing the chosen material with different theories. First, I will explain the theory behind my method and a scheme of analysis. Secondly, I will present a further theoretical framework in which the study takes place.

### **2.2.1 What's the problem represented to be?**

Carol Bacchi (2009) created a way of analyzing policy documents through discourse analysis, and her theory is that every text has a hidden message that we need to understand. We need to understand the reasons for the writing of the text, as well as when dealing with policy documents, one must acknowledge the fact that there always is some form of a problem lodged within the documents that are of interest. By finding this “problem”, we gain insight into the thoughts that inform governing practices.

Humans as social beings make the policies ourselves, and with the “what's the problem represented to be?” method we can study what the problem and the assumptions behind the actual social problem that we construct is. In this way, it is possible to attain valuable information on the thoughts that are behind policy-making (Bacchi 2009).

The theory takes inspiration from Foucault's discourse theory, and the WPR approach is considered a form of that analysis, but the term discourse means something a little different in Bacchi's theory. In this case, discourse does not only mean what words and phrases are being used. A discourse is rather forms of knowledge that are constructed by society, by which we

proceed from when thinking, writing, and speaking about in this case prostitution (Bacchi 2009; 35).

### ***Scheme of Analysis***

1. What's the "problem" represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the "problem"?
3. How has this representation of the "problem" come about?
4. What is left unproblematic in this problem representation? Where are silences? Can the "problem" be thought about differently?
5. What effects are produced by this representation of the problem?
6. How/where has this representation of the "problem" been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

(Cited from Carol Bacchi 2009; xii)

### **2.2.2 Radical Feminist Theory and The Male Gaze**

Even if both men and women can choose to work as a sex worker there is still a pattern of most sex workers being women and most buyers being men. This presents a remarkably interesting gender pattern that this study aims to find deeper in the material as well. This is one of the feminist issues that are discussed by feminists all over the world since trafficking is a cross-border, organized crime and sex work is one part of it (Giddens 2014; 428-429).

The first feminist theory I will be using is Radical feminism which is a perspective that highlights the patriarchy as the main suppressing issue between men and women. This perspective says that the patriarchy is behind the prostitution of women by portraying it as being a gendered issue with women selling themselves to men (Bernstein, 1999). Radical feminism raised the question of women's right to their bodies, right to their sexuality, abortion rights, and fought against violence against women. As long as women are seen as an object and looked at with "the male gaze", gender equality will never be possible (Björk 2015; 116-117). The Male gaze is a theory of objectification where the sexual objectification of women in western culture leads to women being aware of how they present themselves, knowing they will be objectified. This essentially means that due to men's power over women their way of objectifying makes women behave after men's standards. The essence of the theory is that social constructions are made through the male gaze (Mulvey 1999; 57-68). Radical feminist theory believes that the

subordination of women is a consequence of men having power over their sexuality and bodies. Furthermore, their standpoint highlights violence against women (Engdahl 2011; 238).

### **2.2.3 Liberal Feminism and Gender Roles**

The second perspective of feminism that is interesting for this study is liberal feminism which goal is for men and women to have the same opportunities beyond their gender role. One of their main focuses is sexual morals, men's exploitation of women, and men's monopoly of power (Björk 2015; 116). Liberal feminists believe that gender inequality is based off of social and cultural values. What makes the liberal feminists different from the radical feminists are that they "fight" in the system that already exists instead of wanting a new one. They want to fight sexism and discrimination, mostly in the workplace (Giddens 2014; 421).

### **2.2.4 Social Stratification**

The term social stratification aims to explain the social hierarchy which divides people into different social classes, castes, groups, or other types of strata. It often resembles a social pyramid where different social strata have different positions in society. The quality that is valued the highest by society is on top of the pyramid and the quality that is ranked the lowest is at the bottom (Engdahl 2011; 227). This case is mostly on those qualities being man versus being woman, but the stigmatization of prostitution also involves ethnicity which can be a part of social stratification as well.

### **2.2.5 Push and Pull factors**

There are push and pull factors when it comes to trafficking and prostitution where the push factors are what drives a person and/or trafficker to start with the activity and the pull factors are what pulls them in. One push factor for women in prostitution is the money, when it seems like there is no other way of surviving they might turn to prostitution which often is due to gender inequality. For the traffickers on the other hand it is a pull factor. (Vanwesenbeeck, 2013).

### **2.2.6 Stigmas of prostitution**

Prostitution is very much affected by stigmatization regarding who sells and who buys. Social stigmatization is a theory from Erving Goffman (1963) where a person can be branded because of an attribute they carry. Originally Goffman meant it as something negative, that put individuals in a context and prescribed them with characteristics according to that context,

evolving from stereotypes. Stigma is used as a way of categorizing and defining what normal is, but what is considered normal can change over time making stigmas changeable and historically specific. It is linked to wider power relations in society (Engdahl, O. & Larsson, B. 111-112), much like a discourse. I argue that there can be both positive stigmas and negative stigmas even if they both for the most part have negative impacts on the individual but to different lengths, meaning that a stigma does not have to give a group negative, according to society, attributes but can still make individuals feel trapped.

Pheterson (1993) wrote the stigmatization of prostitution as the “whore stigma” which is based on the shaming of sexual women. This stigma has made sex workers into a stereotype of drug addicts, desperate, doing whatever they can to entice men including dressing lightly and are carriers of sexually transmitted diseases such as HIV. Which can be translated into being dirty, “unholy” and in general bad girls (Pheterson 1993; Lerum & Franklin, 2016). Graham Scambler draws on Pheterson’s in “Sex Work Stigma: Opportunist Migrants in London” (2007) and develops the concept of “whore stigma” into a more complex one. As he described it the sex workers are stigmatized as either victimized or vulgar. The greater part of the women he interviewed felt the “whore stigma” and consequently had not told their families or loved ones the nature of their work. As his report goes on, he expands the stigma to include class, command, gender, and ethnicity. The reason for this stigma evolving is the way a female sex worker degenerates from the femininity norms and the sexual modesty expected from women (Vanwesenbeeck, 2013). Vanwesenbeeck (2013) also presents the victim stigma which also is produced by legislation and the close discussion on prostitution and trafficking as one phenomenon. He means that the victim stigma further fuels the whore stigma by stating that no female could under any circumstances possibly choose to be a sex worker, meaning that if a woman states that she wants to, she is perceived as a whore being outside the norm.

Rochelle L. Dalla (2000), whose research was presented in the chapter on previous research, criticizes movies for romanticizing sex work by making society believe that there is such a thing as the happy prostitute. Even though she dismantles the perception of the happy prostitute in her study, there is a difference of opinion on the matter. Elisabeth Bernstein (1999) explains this way of thinking as seeing prostitution as empowerment, where women can put a price on their labor themselves and by that control their working environment, getting more money than



the average worker. The whore stigma needs to be dismantled for gender equality in this question and it is argued that it is not possible if prostitution is illegal (Bernstein 1999).

### 3. Method and Material

This chapter will present and discuss the method and material that is used for the study.

#### 3.1 Method

The question formulation at hand is which perceptions of prostitution can be found in the legislation debate in the EU and what effects do they have on how different policy approaches are being shaped. These questions will be answered by implementing Bacchi's (2009) approach to analyzing documents in a discourse analysis to try and find the discourse and power structures in the discussion of prostitution legislation in the European Union. The reason for this is that some of the documents that will be analyzed are policy documents and her theory works really well for them as well as for the aim of this study.

The reason for choosing to do a discourse analysis is that it will bring forward what is the underlying arguments made in the documents. To answer the research questions, the "problem" behind the policies has to be found. This method is used to find the most important meaning in texts and by choosing actors that are relevant to the issue the research question will be answered with validity. The "What's the problem represented to be?" method is not meant to find out the intention of a document but rather to identify the deep conceptual premises that act under the surface in policymaking, and to understand the assumptions that have contributed to the shaping of that policy (Bacchi 2009).

Another reason for using this method is that it is clear that the EU and its member states have the perception that it is possible to solve the trafficking issue with legislation on prostitution since this is the way it has always been discussed, which is in accordance with Cox (1986) idea that problem-solving is conservative by nature (Bacchi, 2009). This is for the reason that the idea that there are only a few problems that society has to solve, creates an image of a perfect world with just a few issues instead of maybe understanding the bigger picture. There could be more to a problem than just one factor, for this reason, the "problem" that is found with a discourse analysis using this method would help to set the issue in a broader context (Bacchi 2009).

The third reason for choosing this method is that much like Foucault's discourse analysis, the WPR approach highlights another way of looking at the conception of power. Rather than only

focusing on power as an instrument used to get people to act a certain way or preventing behavior, who we are is an effect of power. Power shapes how we think and act and how we see the world. When using the concept of power in this way, it is not so much about who holds the power but instead, it makes it possible for the researchers to find who operates it and what power produces (Bacchi 2009; 37-39).

## 3.2 Material

I had some trouble finding the material I wanted as the discussion is hard to grasp by just looking at one policy document. I wanted more on what is said when trying to make a decision rather than only the decision itself, therefore I choose to study different types of documents where I could find the thoughts leading up to the decision in the policy document and also development areas of that document.

The method I chose to work with also has some guidelines on what material will be useful and helped me decide on which documents I found relevant. Bacchi (2009; 20-21) explains that the method works on most documents but to solve the issue in the most detailed way would be to start with a specific piece of legislation, which in my case is the resolution 2013/2103(INI) of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality. Secondly, I will analyze the directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims in order to understand and compare standpoints from the more specific one on prostitution.

After analyzing these two documents I will also look at related EU reports, such as the motion 2013/2103(INI) of 3 February 2014 for a European Parliament resolution on sexual exploitation and prostitution and its impact on gender equality and the debate leading up to the vote, as well as statements from the European Women's Lobby EWL contribution to a New EU Strategy Towards the Eradication of Trafficking in Human Beings(2020), where they express development areas for 2020-2024. The intention of choosing these documents are that they will help me elaborate in a more particular way the perceptions of prostitution affect the legislation process. Without the related texts it would be hard to contextualize the problem which is an important part of understanding it (Bacchi 2009; 20.21). The documents

might seem somewhat one-sided on the discussion, but that is also a true representation of the EU debate on the legislation.

### **3.2.1 The Resolution 2013/2103(INI)**

The EU resolution 2013/2103(INI) is not an imperative law but more so guidance for how the member states should govern. The resolution (2013/2103(INI)) looks like a legislation policy document in bullet list form addressing the prostitution legislation in the EU with the aim to diminish trafficking. The idea is that prostitution is the main part of sex trafficking in women, making it a women's rights issue according to the United Nations CEDAW (1993). They take the stance that prostitution is violence against women and that by applying the Nordic Model, where buying is illegal but selling is not, women in the EU will be more equal to men and trafficking will lessen.

This policy document is the outset of the study and guided me in finding the other material. Since it is a policy document it is rather clear what the EU wants to accomplish with making this resolution since it has to be motivated within it. The issue I found was due to the fact that it was a policy document as well because in order for it to be accepted by all of the member states the resolution has to safeguard itself against those who might not fully agree, making parts of it form somewhat of a double standard. This will however be addressed in the results.

### **3.2.2 Report - Motion 2013/2103(INI)**

The motion 2013/2103(INI) is the proposition for the resolution, which then has been alerted to a policy document that is accepted by the member states. The motion is very similar to the resolution with some changes in wording making it more abstract. Because of the fact that it is very similar to the resolution, it can be perceived as a duplication of effort. However, I argue for the necessity of that work. This document was a good compliment to the resolution and necessary to analyze. Comparing the differences and seeing the background for the resolution clarifies the EU's standpoints even more. There could have been major changes of significance as well that would be overlooked otherwise, and sometimes the small changes have a huge impact on implementation.

### **3.2.3 Report – Explanatory Statement**

In the report on the motion 2013/2103(INI) there was also an explanatory statement which is the motivation for the participants towards why the motion should be accepted. These

statements are not as formal and carefully worded as the policy documents meaning the underlying assumptions come forward in another way, which is why it is an important addition to the study. It further explains why the motion is formulated this way and how it has come about. This is however a prepared speech and not in the heat of a discussion which is taken into account when analyzing the statements.

### **3.2.4 Report – Minority Opinion**

After the presentation of motion 2013/2103(INI) in the European Parliament the ones not completely agreeing with the motion got to voice their opinions, which consisted of statements for how the motion could be altered in order for it to turn in to the resolution.

There was not much said from the opposition but it was enough to grasp what the issues with the motion were for those involved, mainly focusing on changing the wording and distinctions of voluntary and involuntary prostitution.

### **3.2.5 Directive of Trafficking 2011/36/EU**

The motion is an extension of the directive of trafficking from 2011 where it is mentioned that further action has to be taken on the demand side of trafficking. The trafficking directive 2011/36/EU main concerns it to acknowledge that the EU has a problem with trafficking and how to support victims and further state that trafficking should be illegal in all of the member states. Since this directive treats a lot more than prostitution I had to find the parts that were relevant and grasp the way trafficking was talked about rather than actions that should be taken.

### **3.2.6 Europeans Women’s Lobby**

European Women’s Lobby, an umbrella network for women’s organizations in Europe whose mission is to influence European institutions and the general public, helped the European Parliament with the motion in 2013. More recently they posted a statement calling upon further work EU must do in order to achieve gender equality in the sex trafficking and prostitution agenda. This statement urges the EU and the member states to take further action on prostitution by “*fostering a real end to the demand that drives sex trafficking*”, “*pushing for the adoption of codes of conduct preventing purchase of sex by EU officials*” and “*supporting the development of sustainable alternatives and exit programs for victims of sex trafficking and persons wishing to exit prostitution, everywhere in the EU*”. This document is not as formal as the EU ones which can both be an asset and a shortcoming. It is an asset by presenting the

problem representation in a more bluntly and the assumptions made are clearer, but at the same time it has shortcomings such as being obvious when studying and analyzing those assumptions.

## 4. Results

Analyzing the material leads to the categorization of two different discourses, through which the result will be presented. When those have been presented the theory of stigmatization will be applied to connect the discourses with different stigmas.

### 4.1 The Discourse of Victimization

The majority of the documents and parties involved in this matter are for the Nordic Model on prostitution legislation, which is an important note to make when trying to understand what the problem is represented to be. The Resolution 2013/2103(INI) takes its stance from the Nordic Model by stating that buying sexual services should be made illegal in all EU member states and that the sex workers should be decriminalized, meaning it should be legal to sell sexual services. It is argued that this should be made in order to protect the trafficking victims (Resolution 2013/2103(INI)). The problem representation is that the buyer of sex is to blame for trafficking, assuming that without their demand prostitution would not exist. The problem in this matter are the ones buying and selling sex in the different member states and by regulating those actions the trafficking from which the problem originates should lessen. With that said, there are of course national legislation as previously mentioned regulation different aspects of the trafficking issue but in these documents, only the prostitution part of trafficking is mentioned and is what I have to presuppose from.

There are mainly two different problem representations that are represented by the ones wanting the Nordic model in the Report's Explanatory Statement (2014), the Motion (2013/2103(INI)), the Resolution (2013/2103(INI)) and in the European Women's Lobby contribution (2020). In line with EWL's statement (2020; 1-3) "*Fostering a real end to the demand that drives sex trafficking and prostitution through renewed legislative action*" because "*Like for any other business, demand is at the core of the system: it perpetuates it and makes it lucrative. If there were no men to buy sex, there would be no prostitution and therefore no trafficking for sexual exploitation.*" the policy to abolish sex trafficking by making it illegal to buy sexual services has the problem representation that the costumers should not exist as they are the pull factor for trafficking. This also means that prostitution is understood as being a job and something that can be done voluntarily. Because if the policy works, all forms of prostitution will be distinguished by not having a demand. That also assumes that all of those working in

prostitution have someone compelling them to do so. This representation of the problem is based on the idea that this is a legal issue, and legislation against the buyer will get the desired effect.

This way of viewing the problem of sex trafficking is not new. As we know, Sweden implemented their legislation in 1999 when it was very controversial. The Netherlands implemented its policy in 2000. Before this prostitution was illegal, and historically speaking sex work has been shameful as one was not supposed to be sexually active before marriage and then only with your spouse (Pheterson, 1993). Even though that was the case, prostitution is not a new phenomenon that came about when it became legal in some countries. With this in mind, it is not strange that this problem representation has developed in this way since it always has been discussed in a legal matter. Sweden is one of the leading countries in Europe in the aspect of gender equality (EIGE, 2019) and it could be assumed that the EU, therefore, is trying to mimic what they are doing in challenging questions on the topic. Still, there are a lot of other factors than the buyers who are the issue here and should be discussed.

By assuming that all involuntary prostitutes have traffickers a lot of cases will be overlooked since there are a lot more push factors as to why women become sex workers. This is left unaddressed in the matter of what will happen in the countries where prostitution is legal, will those women be able to find a different job after? Furthermore, it is overlooked where the desire of buying sex comes from. We know that sex tourism exists where the buyer goes abroad to buy sex (Oppermann 1999) meaning this actually cannot only be a legal issue. There are more push factors as to why someone wants to buy another human to please their desires. The factors of stigmas around sex, the effects of porn, and views on women in general (Menaker, 2018) is not represented in this problem representation even though it is briefly mentioned in the Resolution (2013/2103(INI)).

The problem representation creates a discourse effect of that when legislation is made it creates new norms and values in society, meaning that all the buyers with that desire would stop if it was against the law. That discourse actually closes off the discussion of all the other factors in this complex matter, whereas there are other social structures behind prostitution. The problem representation gives a lot of power to men and somewhat diminishes the woman through the male gaze as in need of help, recreating the gender roles. By assuming trafficking will stop and that the demand will disappear by criminalizing the pull factors of sexual services the policy



indirectly leaves all the power with the men to decide whether or not women should be labeled as objects that can be bought, and that if men do not stop buying sexual services women will always end up in trafficking situations. It takes away the power from women to decide their own faith. Creating a lived effect of that men and women grow up with the mindset that they will not be equals and men are above women. All the other factors that create the trafficking situation in the first place are overlooked, especially the push factors for the women being trafficked. By it being a policy, the problem is constantly there to produce this discourse. At the same time, it is hard to question the discourse because doing that and saying that prostitution should be legal and a legit workspace as it is in the Netherlands, also has a lot of other effects on men's views on women.

Secondly, there is one more common problem representation in the policy documents and the European Women's Lobby's contribution that needs to be examined more closely. The policies are problematic on the fact that by abolishing the right to buy sexual services EU is working towards gender equality, which represents the problem as though when women are considered objects that can be bought there is no gender equality. So, the assumption that underlines this representation of the problem is that as long as buying sexual services is legal, women will be looked at as objects. Abolishing it would then mean that women will no longer be considered sexual objects. In the problem representation, there are presumptions made that men will stop viewing women as objects if prostitution is abolished. To take it one step further it could even be argued that these documents are based on the assumption that as long as women show that they want to have sexual relations with a man (even if it in this case is paid) they will not be treated as equal to men. This assumption opens up the dangerous possibility of blaming the victims when something happens that is not consensual.

This problem representation has evolved around the shame of sex stigmatized on women. The patriarchy shames women who are sexual, and sex outside of marriage has been stigmatized as "unholy" along with the views that are shared by many religions (Pheterson, 1993). This can subconsciously make us believe that if women are sexual and ask for sex, which sex workers do, it is shameful for society. Therefore, this policy could also be a way of getting it off the streets since that is the only form of prostitution that seems to be in focus on this matter. The thought process rests in the fact that men cannot control themselves, and that if there is no law against buying sexual services men will continue to do so even though they are aware of the

fact that they might give money to traffickers and use women who are forced to be there. If that is the case, we have much larger societal problems than prostitution.

By stating that abolishing prostitution leads to a more equal society where men are not buying sex the complexity of the issue is erased. If it was that simple, however, sex tourism would not happen either. Even though the consumers are presented as the reason for sex trafficking and therefore the problem is represented as a demand type of problem and could only be solved by legislating against it. The supply side is equally as important to understand the issue. Even if the women should not be to blame the traffickers should be since they are supplying some of the demand. In the Directive of Trafficking 2011/36/EU, the problem representation looks somewhat different from the other documents, an aspect that is of interest. The problem representation in the trafficking directive (2011) is to stop the trafficking in the EU by making all aspects of trafficking illegal except the victims. There are assumptions made that this is a market issue rather than societal in what creates the demand in the first place. This led to the lack of problematization in the 2011/36/EU directive of the demand side of trafficking, which is handled in the resolution on prostitution a few years later, but what creates the demand and how to deal with that is still neglected. The demand side is briefly mentioned in point 25 where it states that “*Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand*”. The issue of support after being a victim is raised but rather little on changing the living standards pushing trafficking is discussed and therefore reduce the number of victims.

## 4.2 The Discourse of the Happy Sex Worker

A part of the report on the motion consisted of the opposing parties stating their opinions and what they would want in order to accept the motion as a resolution. The first reservation was criticizing that the motion essentially wanted to ban all forms of prostitution since that would be the effect and therefore the opposing parties wanted a clearer statement in the motion on the difference between voluntary and involuntary prostitution. However, this statement was followed by “*Voluntary prostitution is recognized as self-employment in some EU Member States; it is therefore covered by tax and social security obligations. People working legally as prostitutes must also comply with other legal obligations (e.g. labour and residence permits and the requirement to register with the competent authorities). The question of how to deal with voluntary prostitution should remain a matter for each individual Member State.*”. This

statement is giving a different sort of problem representation. The problem is here represented as without the distinction between involuntary and voluntary prostitution the women who have sex working as an occupation will be out of a job and other legal obligations. Which would in fact mean that a lot of women would be unemployed and considering the stigmatization of prostitutes making it hard for them to get another job. The statement above from the reservation also represents the problem as member states issues, that it is not up to the EU whether or not voluntary prostitution should be lessened.

The reservation statement is that voluntary prostitution exists and should be treated as an occupation if the member states want to, and since sex workers do pay tax in some member states it is already considered an occupation there. Taking this stand is stating that as long as the sex worker is doing it voluntarily there is no issue with buying their “services”, otherwise, there would be no point in being a sex worker without clients. The problem is represented to be that involuntary prostitution should not be mistaken for voluntary prostitution. This also holds significance in the way we perceive the outcome of the policy, the policy is not there to help women be more equal to men but rather the problem is the women being trafficked. Without the involuntary workers, prostitution as a concept would work just fine. The presumption that is made here is that there are women voluntarily becoming sex workers and the EU should not try to legislate against that. Without the customers it would not be possible to be a sex worker, therefore it should still be legal to buy as long as it is voluntary. With that, the reservations also assume that the buyers care if the sex worker works voluntarily otherwise the motion would be useless.

This representation of the problem has grown from the common feminist theory on women’s right to their own body, where it is argued that women have the right to choose what they want to do with their bodies, including selling sex (Scoular 2004; Hayes-Smith & Shekarkhar, 2010). However, there are silences on how this form of the motion would be helpful for the women being trafficked since it is already illegal to be a pimp or participate in sex trafficking. This motion was also motivated as a way to enforce equality for women, which by changing whom it applies to needs further explanation to fully grasp how it would contribute to the issue altered like that. Additionally, it does not just lack a real solution but the discourse effects are comprehensive of the pretty woman effect, saying that women are happy being prostitutes. It also takes away all the pressure from the men stepping up and changing their way of perceiving

women and that there is nothing wrong with buying unless it is by an involuntary sex worker. This way of presenting the problem creates stigmatization, which is very problematic because of the fact that most women do not choose sex work because of the occupation itself but rather as a quick resort for money (Krumrei-Mancuso, 2017). By reproducing this stigma a lot of gender equality issues are left untouched, such as the fact that men and women mainly belong to different social strata where men earn more than women putting some women in a desperate situation.

It is also possible to see traces of the male gaze and patriarchy in this problem representation since it is assumed that men are sexual beings who need to address their desires (Mulvey, 1999; 57-68), which also reproduces the stereotypical gender roles (Björk, 2015). It is possible to see traces of liberal feminism in the believes that the women being sex workers chose to do that and have the right to do so, which is fair. However, that way of thinking can actually stigmatize the sex workers according to the whore stigma since it allows men to think that way of women. Radical feminism would argue for it recreating the whore stigma while Liberal feminism fights within the patriarchy, accepting that prostitution exists and wants to do best for those in that industry. Just because something is legal does not necessarily mean the stigma around it will disappear, as we can see on with sex tourism the criminalization moves the issue to another place (Oppermann, 1999) or might just make it less visible in society. Accompanied with this problem representation should in that case be education on gender equality and sex, actively trying to reduce the stigma of shame around the topic.

With this in mind, it is also left out what making the division between voluntarily and involuntary prostitution would mean for women, both in the EU and in other parts of the world. Trafficking was already part of an EU directive saying it is illegal and the reason for this motion that turned into a resolution was that the first directive did not work since the demand aspect was not addressed. This representation of the problem creates a discursive effect where the responsibility of equality is shifted from the men creating demand to the fact that some women are sex workers voluntary. The lived effects of believing that sex work can be voluntary and that it is okay to buy sex could contribute to the objectification of women, which could manifest in other ways and different scenarios only related to sex for a man. Perhaps a man would argue that buying a drink for a woman at the bar equals that she owes him sex at the end of the night, which could translate into prostitution.

### 4.3 The Stigmatization of the Two Discourses

The stigmatization of prostitution can mainly be found under the assumptions of the problem representations. There is not just stigmatization regarding prostitution wrapped up in the legislative process but there is also stigmatization of women, both of which are important to unwrap. There is no doubt that the policy documents are on the same page considering prostitution to be a “*gendered phenomena*” (Item A, Resolution, 2014; 3) and that “*The overwhelming majority of victims of sex trafficking are women and girls*” (EWL, 2020; 1), reproducing the assumptions of women as the selling party and men as the buyers and traffickers in line with the ideas of radical feminism (Bernstein, 1999).

EWL (2020) also paints the picture of women requiring rescue by wanting to do an informative campaign explaining to men how their actions of buying sexual services can produce sex trafficking. The statement “*It is a key legislative tool to disrupt a system which exploits the most vulnerable in Europe, starting with women and children*” (EWL, 2020; 3) produces an image of women being as helpless as children. Yes, it is important to acknowledge that the victims of trafficking need help but not in the way that men should be their savior but rather focusing on the causes of trafficking.

Several of the documents mention the economic aspect of prostitution and sex trafficking in several ways. Both in the resolution (2014) and the motion (2014) statement L is that “*the vast majority of prostituted persons come from vulnerable groups*” and explained in the explanatory statement of the motion as “*financial desperation*” is leading to prostitution, and also point out that most trafficked women come from more socioeconomically vulnerable parts of EU and the world. These statements, therefore, provide insight into what the representation of prostitutes looks like in the EU. By saying that all prostitution should be abolished if the EU wishes to have equality for women and at the same time describing the victims as socioeconomically vulnerable migrants the position of the document becomes rather unclear. Seeing as the vulnerable female migrant is painted as the stereotype of sex trafficking, this creates the stigma that women who are prostitutes but do not share these characteristics are sex workers voluntarily. As a consequence, other groups can be overlooked when looking for both trafficking victims but also other forms of involuntary prostitution.

This form of stigmatization categorizes prostitutes in social stratifications and ethnicities (Scambler, 2007) which inevitably leads to harmful stigmatization. Even though it is good to recognize which help might be needed to be able to end prostitution it has deleterious ramifications as well. Some would also argue that it goes both ways, what if you are a migrant and are not trafficked? Then the stigma would also cause damage to you if the norm changes as the opinions of the opposition (2014) states by giving the migrant women zero clients since everyone will assume that they are trafficked which Scambler (2007) also voices in the previous research.

There is a heavy stigma that prostitution should not exist and that women do not choose to be sex workers, and even if they did, they ought to do it behind closed doors because it does not look good. The problem is somewhat hiding behind the equality matter as there are many more factors making sex work an unsafe working space. Even the point of the first policy “Costumers should not exist as they are the push factor for prostitution” leads to unsafe working spaces in itself. The motion’s explanatory statements (2014) includes the words “*viewing prostitution as “work” helps to keep women in prostitution. Viewing prostitution as a violation of women’s rights helps keep women out of prostitution*” which is making the problem representation into a question of how prostitution is viewed. Indirectly it says that the motivation for the motion is to create a new norm where prostitution is considered a violation of women’s rights, the issue with that is the lived effect this has on the women who are surviving off of sex work. It also creates a discursive effect for those who “choose” to become a sex worker by creating a stigma that being a sex worker is degrading, a point which is strengthened in statement 7 on prostitutes’ health issues, where “*loss of self-respect*” is stated as a side effect. With this in mind, it is possible to recognize how the EU is affected by these stigmas when writing and agreeing to these formulations. It creates the binaries (Bacchi’s 2009) voluntary/involuntary sex work where the voluntary sex workers are excluded from the conversation.

Those who argue for voluntary prostitution in the Minority Opinions from the Report (2013) are somewhat misleading by reproducing the whore stigma in their arguments, which is not adding up to their opinion. If sex work would be regarded as a legit working space why would the goal still be to reduce the number of sex workers? Like this, they would not have any issues finding another job meaning the taxation problem representation would not be an issue. However, since it is presented as an issue it means that they themselves do not see sex workers

as actual workers either since they believe they would not be able to get the same tax money if buying would be criminalized.

There are a lot of assumptions made about how the buyer acts and deals with different types of situations, in every document the same guy seems to be present. Someone who follows the law, would not act like this if it was against the law. Someone who cares if the sex worker is there voluntary or involuntary in that precise moment. Someone who does not commit this act as a display of power but who sees the sex worker as an equal, in other words, the Pretty Woman effect (Dalla, 2000). All of which is very problematic considering that the previous research shows that abuse is often a part of prostitution making these assumptions questionable (Farley et al. 2018). At the same time as this discourse is being reproduced, an underlying stigma of the buyer can be found when looking further. The Motion and the Resolution try to present a buyer who uses the client and objectifies her by but it is reduced to “*prostitution [as a social phenomenon] reduces all intimate acts to their monetary value and diminishes the human being to the level of merchandise or an object to be used by the client*” (Statement K. in 2013/2103(INI)). The accountability is moved from the buyer to prostitution as a social phenomenon itself, which essentially takes away the gender equality substance of the issue.

## 5. Discussion and Conclusion

Three main problem representations of significance were found in the documents whereas it was possible to distinguish different perceptions of prostitution as a social phenomenon and of women. To understand how these presumptions found in the result affect the policy making it is necessary to turn it around as well, starting to look at the stigmatization of prostitution and how it shows in the documents.

Firstly, policy number one with the problem representation of “Customers should not exist as they are the push factor for prostitution” can be connected to the stigmatization of both the clients and the sex work. The client is being presented as a stand-up guy, following the law who is not desperate in any way to get what they want, which spills over as the discourse of men not being the bad guy whereas it is women who entice them only by being legally sex workers. This stigma exists as the stigmatization of women’s sexuality.

The other stigmatization of policy one’s problem representation is that the sex work always is involuntary with a third part forcing them. This feeds the discourse of victimization when the trafficked women are produced as in need of rescue, putting all women involved with prostitution in the same stereotype, reproducing the victim stigma. As a result, making it harder to help the diversity of women engaged in the industry. At the same time, the Resolution (2013/2103(INI)) ends up using the term voluntary and involuntary prostitution simultaneously making it even more confusing as to what the Resolution is aiming to achieve. Because even though the policy documents essentially want to make it illegal to buy sexual services the focus is still not on the consumer. It is a fact that women will be victims of involuntary prostitution as long as there is a market for it, and in that case, it is not possible to differentiate voluntary and involuntary prostitution because there could never be voluntary prostitution without creating the demand that drives involuntary prostitution.

This makes the resolution from 2014 somewhat contradictory because even though the document states that buying should be illegal in all cases there is a note dividing prostitution into two groups, involuntary and voluntary prostitution. Which in that case makes the policy illogical. If women can choose to work as a prostitute without any push factors they cannot do it anymore if every EU member state would implement the resolution. The motion is quite different considering the voluntary and involuntary part is not as prominent which was a



demand from the opposition before it became a resolution. The motion suggests that prostitution is the problem and the only way to stop sex work is by taking away its clients.

Secondly, policy number two with the problem representation of “EU is working towards gender equality by abolishing prostitution” automatically implies that women cannot be equal to men as long as prostitution exists because they are seen as objects, coming from the “whore” stigmatization that women who dress, talk and act on what is considered “sexy” by society objectify themselves and therefore it is fine for a man to also do so (Pheterson, 1993; Scambler, 2007). The Motion (2013/2103(INI)) and the Resolution (2013/2103(INI)) are based upon the fact that Sweden as a leading country in gender equality questions has this legislation, stating in the explanatory statement (2014) that “*the evidence of the effectiveness of the Nordic Model in reducing prostitution and trafficking of women and girls and thereby promoting gender equality is growing all the time.*”, but looking at the problem representation there has been made no such study on the objectifying of women has changed. I cannot know whether or not it helped women to be treated more equally in Sweden because of the prostitution legislation but as a woman in Sweden today I know we can still be treated as objects by men. The only thing the two policy documents are referring to is less prostitution on the streets because that is the effects that can be measured, meaning the representation of the problem is producing a new discursive effect, but the lived effects are vastly different.

Thirdly, policy number three with the problem representation “Voluntary prostitution exist and should be treated as an occupation” comes from and reproduces the discourse of The Pretty Woman effect as Dalla (2000) calls it. By making the distinction between voluntary and involuntary prostitution the social structure making women choose prostitution goes unnoticed which also is a big part of gender equality. This stigmatization also puts all the attention on the women instead of the men with the subtext of as long as it is voluntary it is okay for men to buy sexual services. The problem with this argument is that it is possible to view it in another way whereas no statistics can be presented. The question we have to ask ourselves is if voluntary prostitution is really possible. Previous research has found that even if the sex workers are not trafficked and/or are coerced by a third party there are other factors making it involuntary indirectly. Focusing just on this distinction obscures the complexity of the choice and constraint issue. At the same time, sex should not be shameful which it has a history of being produced as, and it is possible to see traces from this in the arguments for the Nordic model. The fact that

there is more woman than men selling sex and also more men than women buying, this has to be classified as a gender equality question and be discussed in that way (Giddens, 2014; 427-429; Bernstein, 1999). We must look at which social constructs make us believe that sex work is liberating for women. To go through life in the male gaze affects all of us, and we need to acknowledge that to be able to become aware of how we are governed.

It cannot be overlooked that men and women generally in the EU belong to different social strata, whereas men usually make more money than women, something that also has a significant impact on the matter. If men and women would be equal there would not be many sex workers left, because the previous research has shown that a lot of the pull factors for women have to do with their social status and economic situation. Additionally, fewer men would feel like they have the power to command a woman what to do, decreasing the demand and by that also sex trafficking.

All the EU member states look different on the question of gender equality, which I believe is a reason for the resolution being so problematic. Legislating on prostitution should probably come further down the line for most countries but at the same time, many countries have the prohibitionists regime, where even the sex workers are illegal which is the most problematic of all and needs to be changed in one way or the other to lessen trafficking from these countries to the others.

## 5.1 Conclusion

The general focus is to lessen the number of consumers of sex. However, by separating the involuntary from the voluntary, it is stated that this has to be done for men and women to become more equal. Doing so creates the social construct that the act of buying sexual services is fine as long as the women do it voluntarily, recreating the discourse of the happy prostitute. Those opposed to that problem representation have two different approaches reproducing two different stigmas. One of which reproduces the “whore” stigma by making assumptions that these women want to be seen as objects because of the way they dress and act, by performing their job (Pheterson, 1993), and the second one victimizes all sex workers in accordance with Scambler’s (2007) theory. Taken from this is that there are mainly two discourses that can be found in the debate of prostitution legislation in the EU, the happy prostitute discourse and the victimization discourse. These two discourses reproduce the already existing stigmatization of

prostitution and the power struggles of men and women in that structure. However, by becoming aware of the underlying thoughts and presumptions it is possible to understand how these discourses affect our legislation and what norms that have to be challenged for change. There is still a long way to go for the EU to achieve gender equality but discussing and setting examples of these matters in the light of the UN convention is at least working towards it. Most likely even the UN women's convention is stained from stigmatizations, which could be a subject for further research.

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