



LESS EQUAL THAN OTHERS:

THE LAWS AFFECTING SEX WORK,
AND ADVOCACY IN THE
EUROPEAN UNION

Research conducted by Alexandra Oliveira

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Study for the GUE/NGL group of the European Parliament – Conducted by Alexandra Oliveira

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Abstract

This study is commissioned by the European Parliament's group EUL/NGL and aims to analyse and compare the different laws on prostitution in the European Union, their impacts on people who sell sexual services and to explore different forms of activism in this field, including sex workers' capacity of self-organization and the influence of abolitionist-based movements.

Executive summary

Background

Sex work, and the people involved in it, has been repeatedly subject to debate, often fierce and usually dominated by moral, ideological, or philosophical premises instead of being based on knowledge, whether scientific, technical, or other. One of the main issues that arise in a debate of this nature is the loss of focus on solving the concrete problems of people who sell sex. While we are discussing ideas, utopias, and theoretical concepts, far from reality, prostitution continues to exist, and the problems associated with it are neither fought nor mitigated. This means that policies are often made in the name of moral and ideological stances, with little concern about their impact on the health, safety and living conditions of sex workers.

To understand the legislation on prostitution and its impact on sex workers, it is necessary to carry out research on the effectiveness and impact of the laws, that allows to outline evidence-based policies and practices.

Aims

This research tries to answer the following questions:

- ▀ What laws and regulations, within the European Union member states, relate to or affect prostitution?
- ▀ What are the impacts of the different legislative solutions on people involved in sex work?
- ▀ How is activism related to sex work, including that led by sex workers themselves and of those arguing that prostitution should be abolished?

Thus, this report includes three different studies:

- Study 1.** The aim was to explore, compare and analyze national and municipal laws that govern prostitution in the 27 EU member states, namely criminal, tax, labour or health laws, applied either to sex workers, clients and/or third parties.
- Study 2.** We conducted a mixed study systematic review in order to synthesize the evidence available regarding sex workers' health, safety and living and working conditions across EU member states, critical to inform evidence-based policy making and practice.
- Study 3.** The aims were to understand the different forms of activism in the field of sex work, exploring the demands made by organizations and activists who embrace sex work as a work, and also exploring the claims of those who embrace the abolitionist perspective, highlighting some of the ways in which it has influenced legislation and public policy.

Key findings

The research draws attention to the fact that when it comes to legislate the exchange of sex for money in the European Union, member states present great variation, from countries that fully criminalize the activity to states that regulate it, allowing it to be exercised as a profession. This diversity can be verified, not only at a national level, between countries and regions, but also at local and municipal levels.

Taking into consideration the 27 countries within the EU, we found that 18 criminalize and use other forms of legal sanctioning towards third parties and/or clients, but not sex workers (Belgium, Bulgaria, Cyprus, Czech, Denmark, Estonia, Finland, France, Ireland, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Spain, Sweden and Slovenia). However, even if selling sex is not criminalized in these countries, the conditions under which sex workers operate are difficult and contribute to their stigmatization and isolation. When examining the legislative frameworks of the six countries that have regulated sex work (Austria, Germany, Greece, Hungary, Latvia, and The Netherlands), a contradiction arises. Instead of the stated aim of this model, to protect women who sell sex, it is, in practice, controlling them. Finally, in three countries (Croatia, Lithuania, and Romania) the intention to ban sex work by punishing both criminally and/or administratively sex workers, their clients and third parties remains.

Relating to the impact of laws, evidence demonstrates that criminalization and regulation of any form of sex work has devastating consequences on the lives of national and migrant sex workers who live in the European Union in terms of health care, prevalence and risk of contracting HIV and sexually transmitted diseases, stigmatization and discrimination, physical and sexual victimization and marginalization due to marked social inequalities.

As to sex workers activism, they have struggled to organize, unite and mobilize resources to fight for the recognition of sex work as work, for the right to be protected from violence and for the right to not be discredited or to not be discriminated. On the other hand, abolitionism conceives all situations and experiences of prostitution as victimizing, addressing its discourse only to women, failing to recognize the agency of people who engage in sex work, and transmitting bias, by exemplifying the most common extreme cases, serious exploitation and negative experiences in the activity. Thus, the abolition advocacy reveals a simplistic approach, as it does not meet the multiplicity of situations and experiences in the sex work field.

Conclusions

The laws on prostitution in Europe are generally repressive. The evidence available strongly suggests not only a gap between laws and actual policies, but also countries' continuing moves towards state control of sex work activities and sex workers.

Studies show the need for a new progressive legal framework regarding sex work, which integrates national and municipal or provincial laws, focused on the full protection of sex workers in all analyzed dimensions. The evidence available effectively suggests the removal of any criminal laws and enforcement against sex workers, clients and third parties.

Increasing policing and repression of commercial sex practices dehumanizes people in sex work. Thus, decriminalization of sex work has been indicated as one of the changes that is necessary to prevent the abuses often conflated as 'trafficking'. Considering the subjective specificity of the multiple experiences and meanings of sex work, it would be important to listen to sex workers. Excluding these marginalized voices from the spaces where decisions are made ensures that those who live in the margins remain there, vulnerable to further disenfranchisement.

Introduction

Prostitution, and the people involved in it, has been repeatedly subject to debate, often fierce and usually dominated by moral, ideological, or philosophical premises instead of being based on knowledge, whether scientific, technical, or other. One of the main issues that arise in a debate of this nature is the loss of focus on solving the concrete problems of people who sell sex. While we are discussing ideas, utopias, and theoretical concepts, far from reality, prostitution continues to exist, and the problems associated with it are neither fought nor mitigated. This means that policies are often made in the name of moral and ideological stances, with little concern about their impact on the health, safety and living conditions of sex workers.

This report presents the results of three distinct investigations carried out to answer the following questions: What laws and regulations, within the European Union member states, relate to or affect prostitution? What are the impacts of the different legislative solutions on people involved in sex work? How is activism related to sex work, including that led by sex workers themselves and of those arguing that prostitution should be abolished?

The investigation was based on documental analysis, both of legislation and scientific literature, as well as of the so-called “grey literature”, namely technical reports that are available on the topics under study, and interviews with key actors, such as leaders of sex workers’ associations and representatives of NGOs, who are especially dedicated to the work in this field.

Before beginning the report, we must make some statements:

- Instead of ‘prostitution’ we will refer to ‘sex work’, since the term was proposed in 1970 by an American sex worker activist [1]¹ in order to minimize the stigma associated with the word ‘prostitution’ and to emphasize labour issues to the detriment of moral assumptions;
- We will limit our discussion to voluntary sex work between adults, noting that human trafficking, sexual exploitation, and prostitution of minors are, as they should be, illegal in all countries presented in this report;
- We are careful not to conflate sex work with human trafficking, a recent pattern in reports by politicians, bureaucrats, scholars, NGOs, the media, and legislative bodies. Although part of the people who sell sexual services are victims of human trafficking, many sex workers are not, as it has been shown by research [2] [3] [4] [5] [6]. The assumption that all or most sex workers are victims of human trafficking has encouraged a global “moral crusade” [7] which reflects a “simplistic understanding” of sex markets, the law, and their relationship to each other [8], and are not supported by rigorous empirical research and sound evidence base[9].

Before we start describing and discussing the laws in the different EU countries, we must present a typology to classify and group the diverse legislative approaches. We found many typologies based on different concepts or that emphasized different aspects. The diversity of concepts is so great (e.g., criminalization, neo-criminalization, regulation, legalization, licensing, decriminalization, abolitionism, neo-abolitionism), and are defined, combined and applied in different ways that sometimes it becomes difficult to use them as analytical categories and classification tools [10]¹. This means a lack of consensus, but also indicates the complexity of the issue.

1 All references regarding citations included in this report can be found in Appendix A.

There are several problems with using a certain typology: we may have a system of categories that does not cover all legislative approaches and we may have some categories theoretically conceived as pure which, in practice, have aspects that run through other categories. Although we recognize the problems associated with using typologies, we had to organize and structure the information.

Thus, in this report, we use two² broad legislative categories of approaching prostitution:

1) Criminalization

2) Regulation

These categories seem consistent, consider the effects of the law on sex work, and condense what appears to be the goal of the legislator or policy regime, providing a useful tool for examining the various laws. We will now proceed to explain each one of the categories:

- 1) Criminalization:** The objective is to end prostitution, be it persecuting sex workers, be it persecuting clients and/or third parties.

We will divide countries within this category in two subcategories, considering all of them partial criminalization regimes:

- 1.1. Criminalization and other forms of legal sanctioning of sex workers:** Prostitution is considered a crime or an offense of a different nature, and people who sell sexual services are considered offenders to be punished. Thus, it is illegal to sell sexual services. Here, we include cases where sex workers are not subject to criminal laws but may be subject to a sanction, such as an administrative sanction or may be charged with a public order offence. Additionally, third parties or buying sex under certain circumstances may also be criminalized.

- 1.2. Criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers:** Being a sex worker is not a crime. Nevertheless, in some countries, selling sex is not allowed under certain circumstances, as in public spaces. Clients and/or third parties are considered offenders to be punished. Thus, it is illegal to buy sexual services and/or third parties are criminalized.

- 2) Regulation:** Sex work is considered an activity that must be regulated and controlled by the State, mainly in the name of public health or public order. Regulations allow prostitution on certain conditions and may criminalize parts of sex work. Regulation takes many forms, can include very different measures (registration of sex workers, mandatory health checks, zoning, etc.), and can be oppressive for people involved in sex work. Some countries' regulations legalized sex work as a profession.

Therefore, in this report, to structure our analysis and discussion, we use two broad legislative categories of approaching sex work, one of which has two subcategories.

This report is organized according to the three guiding questions of the study, that gave rise to three different chapters. In the end, following the results and conclusions of the investigation, we will make a set of recommendations.

² The design of this typology considers another legislative category for which we have not found any EU country: Fully decriminalization. According to this category, sex work is considered a regular profession, and there is an abolition of all laws specifically aimed at prostitution. The country which is a reference when it comes to decriminalizing sex work is New Zealand. To learn about this legislative approach to prostitution, see, for example, Abel (2014) and Abel et al. (2007, 2010) [11] [12] [13]

1. Comparative and critical analysis of different laws on prostitution in the European Union

Why was this study done?

- The aim of this study was to explore, compare and analyze national and municipal laws that govern prostitution in the 27 EU member states, namely criminal, tax, labour or health laws, applied either to sex workers, clients and/or third parties.
- Despite the central importance of legal frameworks in the practice of sex work, and although prostitution as a social and legal phenomenon is subject to intense academic attention, comparative and critical analysis of the different legislative approaches, and the way they are implemented in practice, has received less consideration.

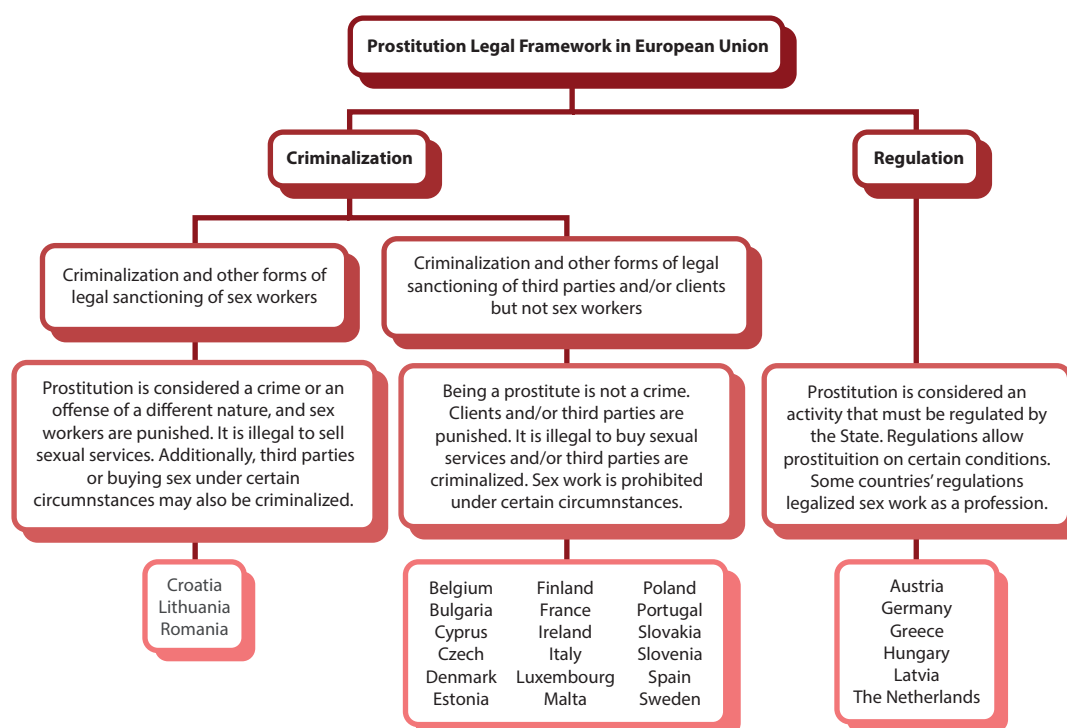
How was this study done?

- In order to accomplish the aims described above, we carried out a literature review, both scientific and legislative. Based on the consulted literature, in which we found that there are common provisions on prostitution-related laws at the EU level, the 27 EU countries were grouped into two broad categories: Criminalization and Regulation of sex work, with Criminalization being subdivided into Criminalization and other forms of legal sanctioning of sex workers and Criminalization and other forms of legal sanctioning exclusively of clients and/or third parties.
- Thus, a synthetic description, comparison, and critical analysis of the multiple national discourses on prostitution is presented.

Key findings and policy implications

- Taking into consideration the 27 countries within the EU, we found that 18 criminalize third parties and/or clients, but not sex workers (Belgium, Bulgaria, Cyprus, Czech, Denmark, Estonia, Finland, France, Ireland, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Spain, Sweden and Slovenia). However, even if selling sex is not criminalized in these countries, they present a sensationalist and ideologic view of it, making sex work conditions more difficult and contributing to the stigmatization and isolation of sex workers. When examining the legislative frameworks of the six countries that have regulated sex work (Austria, Germany, Greece, Hungary, Latvia, and The Netherlands), a contradiction arises. Instead of the stated aim of this model, to protect women who sell sex, it is, in practice, controlling them. Finally, in three countries (Croatia, Lithuania, and Romania) the intention to ban sex work by punishing both criminally and/or administratively sex workers and their clients remains.
- The evidence available strongly suggests not only a gap between laws (that are generally repressive) and actual policies, but also countries' continuing moves towards state control of sexual behaviours and activities.
- In sum, the current study highlights critical understandings of the legal frameworks relating to commercial sex and contributes to acknowledging the policies on prostitution across the European Union Member States, underlining newly adopted legislation, as well as actual practices of governance.

When it comes to legislate the exchange of sex for money in the European Union, member states present great variation, from countries that almost fully criminalize the activity to states that regulate it, allowing it to be exercised as a profession. This diversity can be verified, not only at a national level, between countries and regions, but also at local and municipal levels. In order to structure our analysis, the following scheme groups the 27 EU countries according to the typology adopted in this report. In the next pages, we will analyze and discuss these legislative measures, according to each category and country, focusing not merely on the presentation and description of the law, but on how it is applied in practice. Additionally, a table detailing each national law relating to prostitution can be found in Appendix B to this report.



Criminalization

Criminalization and other forms of legal sanctioning of sex workers

We found three countries in this category: Croatia, Lithuania and Romania, whose legislative approaches to prostitution we will now characterize.

Croatia criminalizes sex workers and clients in certain circumstances (forced or underage sex workers) and is considering the criminalization of clients in all circumstances (as a misdemeanor offense) [1]. Selling sex is made illegal by the Act on Misdemeanors against Public Peace and Order, which criminalizes a person who engages in (“falls into”) prostitution, which, apparently, means selling sex repeatedly [2]. Convicted women can be obliged to undergo testing and treatment for infections and/or be expelled from the district in which the offence was committed for 30 days to six months [2]. Third parties are also criminalized [3]. Alluring or inciting another person to give sexual services (pandering), organizing and abetting prostitution, as well as advertising of prostitution by another person are made illegal by Criminal Code [3]. It should be noted that consent is irrelevant to this offence [2]. In Croatia, although the prohibition on selling sex is gender neutral, traditionally it is only used against women [1]. Moreover, although the offences related to selling sex apply regardless of location, in practice street workers are targeted [2].

In **Lithuania**, prostitution is not a criminal but an administrative offence, subjected to a fine [4],[5]. Outdoor and indoor prostitution are prohibited, although outdoor prostitution seems to be tolerated and considered rather free, although prostitutes cannot choose another region/street since their workplaces are under control of criminal elements [6]. Prostitution as an administrative offence could be considered in case a prostitute is older than 16 years and is sane [4]. Pandering is criminalized and punishable by deprivation of liberty from three to five years or fine[4].

Prostitution in **Romania** was removed from the Criminal Code in 2014 [7],[8]. Since then, sex workers can be sanctioned with vagrancy and other public order laws [2], and prostitution has been regarded as an administrative offence, being subjected to a fine [7]. If the fine is not paid, sex workers must fulfill community service or an alternative term of imprisonment [8]. Also, it is illegal to facilitate prostitution or obtaining economic benefits from it [8]. The legal text makes a distinction between prostitution as a means of main subsistence and satisfaction of basic needs, and as a practice aimed at increasing income [9]. In the first case, prostitution is not criminalized, yet it is fined [9]. The second situation is excluded from the legal category of prostitution, is not referenced in the Criminal Code, and is neither fined nor criminalized [10].

Criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers

There are 18 countries included in this category: **Belgium, Bulgaria, Cyprus, Czech, Denmark, Estonia, Finland, France, Ireland, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Spain, Sweden** and **Slovenia**, with a wide variety of situations in relation to customers, third parties and even sex workers.

Seeing a person who sells sex as someone who should be the target of social interventions rather than criminalization preceded the growing internationalization of the prostitution markets [12]. The ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved in 1949 and in which prostitution is defined as a social evil, incompatible with the dignity of the human person and endangering the welfare of the individual, the family and the community [13], highlights the ambivalence that stands at the core of some EU countries' policies: prostitution is not prohibited as such, but it is assumed that it should not exist and that it is unimaginable to freely consent the practice of sex work [14]. As a consequence, many countries, such as **Belgium, Denmark, France, Ireland, Portugal** and **Sweden** define prostitution as an issue of violence against women that should be curtailed, and sex workers as victims of social or psychological maladjustment, needing protection, help and guidance [15].

Although the act of selling sex itself is not a crime, in these countries, there are several related activities prohibited and prosecuted that make the sex trade partially criminalized, such as: soliciting, advertising and loitering for purposes of prostitution, organization of prostitution, supplying space for selling sex and living on earnings of prostitution (see Appendix B). For example, the **French** framework regulating the sex trade is based on a singularly extensive definition of the notion of procuring [16],[17]. Three kinds of behaviours can be incriminated: procuring with profit, procuring with aid and assistance, and procuring with provision of premises [14].

It should be noted that this definition encompasses any activity likely to facilitate prostitution, including when sex workers consent to the activity [17]. Because of this, the use of hotel rooms or rented studios for prostitution exposes their owner to major sanctions, as does sharing one's apartment or vehicle with a colleague wishing to sell sex, while close friends and relations of the person concerned are also at risk of prosecution [18].

Even though these situations are not systematically sanctioned in France, the risk they represent constitutes a main reason for the social isolation of sex workers and endangers their activity, despite the activity itself not being criminalized [16].

Moreover, they are rejected from public space, or at least from central urban spaces [16]. In 2016, in France, came into force the Law n° 2016-444, which aims “to strengthen the fight against the prostitution system and to support prostitutes” through criminalizing clients [19]. However, despite the stated aim of the law to protect sex workers, the majority of the sex workers interviewed by Le Bail and Giametta [20] revealed that the criminalization of clients has, in practice, been more detrimental to sex workers than the previous laws against soliciting. Since 2017, **Ireland** is another country where the law directly criminalizes clients of prostitution [21], as well as Sweden [22].

In 1999, **Sweden** became the first country in the world to introduce the Act prohibiting the Purchase of Sexual Services [23]. The government maintained that prostitution is an obstacle to gender equality [24]. In the parallel development of the government’s policy on gender equality, prostitution was defined as men’s violence against women [24]. Consequently, distinctions between free and forced prostitution are denied as must any notion of prostitution as “work” [24]. While these assertions about people who buy or sell sex form part of Sweden’s prostitution policy as discourse, they are less evident in the corresponding law [24]. Thus, there are a number of other laws and regulations against prostitution, which “make Swedish prostitution policy similar to those countries in the world that attempt to reduce or eradicate prostitution with legislative means” [25, p.1]. For example, the law grants the rights of landlords to repeal contracts of tenants on grounds of sex sales [26]. Furthermore, in contrast with claims that sex workers are protected from legal repercussions, sex worker’s experience demonstrates difficulties with the authorities, law enforcement, and with social services, as, for example, problems with immigration authorities, child custody and tax authorities [27]. The ban does not affect compensation for webcam sex, live masturbation, striptease, escort, or nude massage without certain types of touching, neither the production of commercial pornography [25]. The Income Tax Act makes no exception for revenues from sex sales [24].

In **Spain**, the 2015 Citizen Security Act provides administrative fines for the purchase of sexual services when it occurs in public, near places where there may be children or when it interferes with road safety [28]. The national Law of Public Safety (2015) penalizes the use of public space by sex workers, based on “intensive use of a public space” [29]. In Spain, under the municipal and national regulations, not only are sex workers punished, but increasingly so are their clients [30]. Media initiatives have also been used to strengthen this criminalization of clients [31]. For example, in some cities in Spain, publicity campaigns have shown slogans such as “Because you pay, prostitution exists” or “You enter as a client and go out as an accomplice” [31]. The exploitation of a person to make profit, even if consented, is also criminalized [22].

Public soliciting and/or procuring is likewise incriminated in many other countries, such as **Belgium, Bulgaria, Czech, Finland, Malta, and Slovenia**. For example, the Belgian Criminal Code [32] equates public soliciting with a “provocation to debauchery” and local authorities are required to establish whether a particular behaviour could disturb public order [33]. Particularly in **Slovenia**, the selling of sexual services is not punishable, except if it is procured in public spaces [34].

In **Finland**, the buying and selling of sexual services in public places are punished [35]. Moreover, the Finnish Alien’s Act (2004) makes suspicion of selling of sexual services enough justification for deportation or refusal of entry [35]. In **Bulgaria**, soliciting to sell sex in public places is sanctioned by vagrancy/public order laws [36]. In **Malta**, loitering or soliciting in public spaces for the purpose of prostitution (or for other immoral purposes), may be subject to imprisonment for up to six months [37]. And in **Czech**, practicing prostitution near schools is punished with an imprisonment sentence up to two years [38]. Moreover, in Czech, lawmakers at the national level have stayed relatively silent on the issue, and it has been municipalities that have stepped in with ordinances restricting, especially street, prostitution as a nuisance to public order [39].

In the specific case of **Bulgaria**, there exists no special legislation regarding prostitution and governs its legalization or criminalization [36]. Although prostitution is not an illegal activity, sex workers, particularly street prostitutes, are targeted by police raids and are often arrested for 24 hours, for not having an identity document, or charged under Article 329 of Criminal Code [40] This article states that “An adult capable of work, who for a long time does not engage in socially useful work, but receives unearned income in an illegal or immoral way, shall be punished by imprisonment for up to two years or by probation” (pp.143-144) [41]. Nevertheless, procurers and pimps, including brothel keepers are penalised [73], [74]. In **Italy**, outdated legislation on prostitution also exists. The Merlin Law, officially known as Law n.75 of February 20, 1958 — “Abolition of the regulation of prostitution and fight against the exploitation of the prostitution of others” — remains, to this day, the main legal framework regulating prostitution in Italy [42]. As already mentioned, also in Italy, although prostitution is not a crime, several offenses are linked to this activity. Particularly active in expressing their dislike of the Merlin Law have been the people whom the law was supposed to protect: the sex workers [42]. Hence, based on what the law states, prostitution is not an illegal activity in Italy. It can potentially be carried out in a private domicile owned by the prostitute or the client, or “discreetly” in public places, but without the favoring of anyone else — a clause vague enough to include, potentially, landlords, partners, and flat mates [43]. In short, the law does not criminalize prostitution, but it also does not state that prostitution is legal, nor does it recognize the right to sell or purchase sexual services [43].

A similar example is **Portugal**, where prostitution is considered neither a crime, nor it is a regulated activity or profession. However, the fact that it is a crime to promote, encourage or facilitate the exercise of prostitution by another person, Portuguese sex workers working together may be prosecuted: only a person who works alone can legally perform sex work in their home [44].

In **Belgium**, the regime is complex. The gradual increase in regulated tolerance initiated a law in 2000 stating that prostitutes older than 18 years can work in legal sex houses or brothels under certain conditions [32]. They must be registered as workers, pay taxes, and maintain regular health checks [45]. However, soliciting, procuring, and brothel-keeping are condemned by the Criminal Code [32]. The situation in Belgium constitutes an exemplary illustration of the distance between law-on-paper and law-in practice [46]. Any attempt to characterize the conditions of sex work in Belgium encounters the difficulty of describing a mosaic of experiences, which vary not only from one municipality to another but also according to the specificities of the sex work [47]. Thus, it is emphasized the paradoxical character of Belgium legislation related to sex work, "(...) which allows prostitution, but penalizes everything that contributes to its practice and hence leaves persons in prostitution in a legal limbo" (p.83) [33].

Finally, all these countries, in one way or another, condemn the exploitation of prostitution, either using the terms procuring, soliciting, pimping, exploiting, leaving on the earnings of prostitution, profit or having material benefits from the activity.

In sum, partially criminalizing prostitution, even without criminalizing sex workers, makes it legally operated in a grey area: it is neither explicitly illegal nor is it entirely legal [39],[48].

Regulation

There are six countries included in this category: **Austria, Germany, Greece, Hungary, Latvia, and The Netherlands**. Regulations in these countries are very diverse and we will now provide a more detailed description about each country's prostitution laws.

In **Austria**, the regulation of prostitution varies between federal and regional levels, and each province has different rules on what is permitted or prohibited [49]. Austria's national policy places a strong emphasis on public order, public health, and fiscal compliance [49],[50]. Each woman must go through regular mandatory health checks for possible infections and get a control card of it, to exhibit to the police, if needed [51]. The failure to register, to carry the registration card or to attend the health checks can result in fine or deportation in case of a foreign sex worker [51]. From a labour law perspective, sex workers, no matter what their real working conditions, are generally regarded as self-employed [52]. However, under tax law and/or social security law, they can be classified as employees based on their actual working conditions [52]. Self-employed sex workers are compelled to register at the local finance authority and the Social Insurance Authority for Business [50]. Depending on their income, sex workers are also obliged to pay income and value added tax, and to ensure themselves with the social security system for private enterprises [50]. Notwithstanding sex workers are required to pay these taxes, they do not benefit from protection of labour law and only partially of social law [53].

In practice, there is a legal uncertainty [48]. For example, in some provinces, the law presents that sex work cannot occur outside of a registered brothel, but no brothels have been registered, making them effectively illegal [49]. In some provinces, outdoor prostitution is legal under certain conditions (e.g., times of day and parts of town), but sex workers must be registered with the police [49]. According to Amesberger et al.[49], one of the problems in Austria's regulations for sex work, is that they do not focus on sex workers rights and tend to discipline sex workers.

In **Germany**, the prostitution regime is a form of legalization that functions through regulation [55]. The Prostitution Act (ProstG) was implemented in 2002 and is a federal law valid for the whole of Germany [56]. However, some regulation areas, such as tax and trade law, are regulated differently within the federal states [55]. The 16 states and their municipalities may implement the law as they wish, including designating the type of prostitution permitted and where it can be established, which result in a complex picture across Germany [57]. One of the most significant dissimilarity is that there are still states which do not accept prostitution as work, and in which brothel owners are not allowed to register as businesses [58]. In the states accepting this possibility, sex workers gained the right to conclude proper employment contracts, theoretically enabling them to go to court in case of a nonpaying client [28],[59]. The law also gave sex workers the right to get into the social security system, receive healthcare-insurance and unemployment-insurance [28], [59]. This law has attracted considerable criticism, because, among other things, zoning restrictions remained unchanged [59]. Moreover, municipal authorities justify such zoning on the grounds of public decency and shielding youths from vice [57]. The activity of sex work at state level is dependent on federal state governments' perception of "protection of public decency", and activities defined as indecent and bothersome, as well as advertisements for sex work, remained identified as disorderly and can be penalized with a fine [59, pp.116]. Announcement contracts which are used as advertisements for sex work are considered an infringement and are invalid by civil law [59].

In July of 2017, came into force the Prostitute Protection Act (ProstSchG). It seems that the tolerance and legalization that was introduced by the ProstG has been replaced with supervision and repression with the ProstSchG [59]. Thus, this represents a setback. Since January of 2018, sex workers in Germany must go through a registration process in person, details on personal ID are entered into a local database and the records are forwarded to the local tax office, as well as to all the other local registration offices that sex worker declare as potential three work destinations [60].

Non-EU migrants additionally must prove their legal work status in Germany to be able to register [59]. Registered sex workers are subsequently required by law to carry a sex worker ID, which in effect amounts to a special working permit, being that working without the ID may result in fines [60]. Also, before registration, sex workers must have a counseling session with the local health authorities [60]. According to the BesD [60], mandatory counseling by non-sex worker office staff may easily become humiliating and seem patronizing to sex workers, insinuating that they are unable to check their own health. The same source suggests a non-obligatory version of counseling instead.

Under the new law, brothels are subject to a manifold licensing requirement. Operators must, for example, submit a certificate of good conduct, disclose ownership structures, and declare the planned type of establishment, in addition to having obligations regarding communication, documentation, and safekeeping [59]. The BesD [60] argues that those requirements “in practice destroy the market of self-organized small brothels, which cannot be realistically expected to be able to conform to them” (Idem, p.4).

In **Greece**, selling sex is considered a professional activity, administratively regulated by specific law and ministerial decisions to protect public health and order. However, the Greek regulation system on prostitution has several implementation problems, as it demands celibacy from women involved and unrealistic conditions to be met in order to obtain a business address required to legally exercise the profession [61]. According to the Greek law, the sex worker must be older than 18 years old, unmarried, divorced, or widowed [63]. In addition, the person is obliged to acquire a certificate to exercise prostitution as a professional activity, with a number of legal requirements, such as that the person does not use drugs and is not convicted for various kinds of criminal acts, including procuring or pimping, and to obtain a license for the place where he or she can exercise it [61]. Legal migrants may also apply for a license if they have residence and a work permit [61].

Notwithstanding selling and buying sexual services are permitted, under penal law all activities involved in the provision of sexual services are prohibited in Greece. It also targets boyfriends and men “living from a prostitute’s immoral earnings”, as well as persons who provide premises for prostitution or publish telephone numbers and electronic messages, as the latter is considered “crimes against sexual freedom and crimes of economic exploitation of sexual life” [62]. In addition, only sex work that occurs in state-licensed brothels is legal [63]. However, licensed brothels must be further than 200 meters from several public places, such as schools, churches, kindergartens, playgrounds, health clinics, hospitals, sport centers, libraries, and nursing homes [63]. According to the Global Network of Sex Work Projects [54], this implies that it is impossible to have a state-licensed brothel in any Greek city. Furthermore, the law prohibits sex workers from working together.

Maratou-Alipranti and Rethimiotaki [61] highlight that it is extremely difficult for sex workers to obtain administrative permission to exercise their profession in Greece. For example, the authors pointed out that to obtain a practice license for a place to carry out sex work, the sex worker must have the approval of all the owners and tenants of the building where the house or apartment is located, which seems hard to obtain. With so many restrictions and obligations, the authors emphasize that the generality of the sex market works illegally, with many sex workers remaining invisible and in a vulnerable situation. For these reasons, Greece fails to provide social security or health rights to individuals who perform sexual services for a living or who identify themselves as sex workers [61]. Laws that indirectly pursue to regulate prostitution by controlling it are manifold, and Greece is not the exception.

In **Hungary**, the government legalized sex work in 1999 and has regulated it since then. The government allows sex work if sex workers comply with the criteria set forth within the law; if not, sex workers can be fined or detained [64]. However, these criteria are often vague, overly broad, and arbitrarily enforced by police representatives and judges [64]. It is illegal to sell sex and organize commercial sex except where permission is given by a licensing authority that applies conditions such as health provisions and restrictions on how and where the person or business can operate [65].

The law designates municipalities to define specific zones where sex work is illegal (i.e., protected zones) or legal (i.e., tolerance zones). However, the Association of Hungarian Sex Workers (SZEXE) [64] suggests that it is not evident whether a certain area is a protected zone or not; the boundaries are usually vague and not publicized. In practice, as SZEXE [64] emphasizes, Hungarian authorities have been reluctant to identify such zones and only a couple of streets that sex workers can use have been identified, so a significant proportion of sex work continues to take place illegally. Moreover, these streets are in dark and isolated areas away from commercial activity, without any kind of security systems available, making sex workers vulnerable to violence and other crimes or furthering their dependence on third parties in order to protect their safety [64]. Soliciting, offering, and advertising sexual services in protected zones are also prohibited, which may lead to fines that, when unpaid, in many cases, lead to detention [65].

The law also establishes restrictions to indoor sex work, punishing who makes available a building or another place for prostitution to another person, as well as it prevents sex workers from working together in a property belonging to one of them, which increases their isolation and endangers them [64]. In short, most Hungarian municipalities failed to allot or define legal working areas for sex workers as the law requires, and sex workers are routinely arbitrarily fined, arrested and detained under vague laws [64]. Additionally, sex workers must attend obligatory health checks and get a health certificate, otherwise, they perpetrate an administrative offence [65].

In the **Netherlands**, there was a growing belief that the existence of prostitution was part of society, resulting in the regulation of prostitution by local authorities to keep it under control [66]. Since the ban on brothels has been lifted, organizing prostitution is no longer a crime if sex workers are above 21 years old and no coercion is involved [66].

The sex industry is regulated under administrative and labour laws, brothels are subject to a licensing scheme and adult consensual sex work is not criminalized [67]. However, the legislation did not include nationwide laws governing brothels [67]. Once again, as in the countries described previously, the administrative responsibility is devolved primarily to local government, and municipalities therefore play the most important role in determining local policy for prostitution [68]. To create some regularity within the country, the federal government published guidelines that recommend a particular kind of licensing system, a code of conduct for the police and other local authorities, procedures for identifying and assisting trafficked persons, and mechanisms for conducting background checks on business owners and managers [69]. Local authorities decide whether brothels can be established according to planning and zoning and what type of prostitution will be permitted [69].

By 2002, most municipalities had set up such a system, requiring brothels to meet certain standards concerning hygiene and fire safety [70]. Furthermore, brothel owners can be prosecuted for violations that include forced or compulsory labour or services, slavery, or practices comparable to it [70]. The right for those selling sex to refuse clients and/or specific sex acts is also specified in license conditions[55]. Labour law governs the relationship of prostitutes and employers and prostitutes who become involuntarily unemployed are eligible for unemployment benefits [70]. Selling sex on the street outside designated zones, if prohibited by local by-laws, is an administrative offence punishable with a fine [67]. It should be noted that individuals who entertain clients at home or at a hotel and are not employed by a third party may operate legally without being licensed [71]. Selling sex without a work permit is not a criminal offence but, as with other illegal workers, if detected, women will be deported as an illegal alien, and brothel keepers will be fined according to the Aliens Employment Act and could miss their license [57].

Under the law regulating sex work, non-EU citizens are treated as illegal immigrants[71]. Thus, brothel owners who employ these people are subject to license forfeiture, and the immigrant is subject to deportation [69].

In **Latvia**, in line with what has been described for the rest of the countries in this category, regulations have been adopted with the aim to, in practice, control sex work [4]. In 2008, the Cabinet of ministers [72] adopted new regulations on limiting prostitution, including: engaging in prostitution shall be forbidden for all persons who do not have a health card issued by a certified venereologist; each prostitute shall undergo a health examination upon a monthly basis; prostitutes shall be forbidden to offer sexual services outside of the locations that are specified by local governments; sexual services shall not be offered or advertised on the Internet, in the press and in other forms of mass media; and, no activities in which a third person engages with the intent of promoting prostitution shall be permitted (Appendix B).

In sum, while legalizing sex work, these countries' regulations primarily serve the purpose of limiting activity and controlling sex workers. Although the differences between them are very significant, in practice sex work is still partially criminalized.

2. Understanding the impact of UE prostitution policies on sex workers: a mixed study systematic review

Why was this study done?

- The aim of this review was to synthesize the evidence available regarding sex workers' health, safety and living and working conditions across EU member states, critical to inform evidence-based policy making and practice.
- To our knowledge, this is the first systematic review to specifically address the associations between European policies towards sex work and the health, safety and living and working conditions of sex workers in the European Union member countries.

How was this study done?

- A mixed study systematic review was conducted, encompassing a basic convergent qualitative integration synthesis of the data in order to evince associations between EU legislative models and policies and sex workers experiences of physical and mental health, safety and living and working conditions.
- We conducted a search in bibliographic databases for quantitative, qualitative, and mixed methods peer reviewed research, as well as grey literature and non indexed studies, published between 2000 and 2020, that specifically addressed policies and legislation on prostitution in the EU and sex workers.
- A detailed description of the methods, including the search strategy and inclusion criteria, data extraction and analysis, and a summary of included studies can be found in Appendix C.

Key findings and policy implications

- Evidence demonstrates that criminalization and regulation of any form of sex work have devastating consequences on the lives of sex workers who live in the European Union in terms of health care, prevalence and risk of contracting HIV and sexually transmitted diseases, stigmatization and discrimination, physical and sexual victimization and marginalization due to marked social inequalities, for nationals and migrants.
- The evidence available strongly suggests the removal of any criminal laws and enforcement against sex workers, clients and third parties.
- Qualitative, quantitative and mixed-methods research is needed that focuses specifically on the ways EU policies affect sex workers at municipal and national levels, and on factors contributing to the increase of trafficking and exploitation. the policies on prostitution across the European Union Member States, underlining newly adopted legislation, as well as actual practices of governance.

The growing interest and debate about legislative models and policies regarding sex work in the European Union oscillates between two opposite perspectives: prostitution is either a form of sexual exploitation and gender violence or a type of work or activity whose lack of legal and social recognition violates the human rights of people involved in the sex market. Despite this fact, scientific literature on the impact of the multiple European legal frameworks on sex workers' health, safety and living and working conditions in EU member states is scarce. Therefore, the present study was conducted in order to synthesize the scientific evidence available, as well as grey literature on the subject, in order to contribute to the implementation of evidence-based policy and practice in the 27 European Union member states. Specifically, our research questions were: 1) How do prostitution policies in different EU member states impact the health, safety and living and working conditions of sex workers?, and 2) What are the opportunities and constraints posed by these different types of policies on the lives of sex workers?

Results

Theme 1: Health

Restricted access to healthcare

Research shows there are multiple factors that restrict sex workers access to proper health care. Criminalization and police enforcement interfere with sex workers' right to health services and information, particularly with prevention, testing and treatment of sexually transmitted infections (STI) and HIV [11]. In countries where sex work is almost fully criminalized, including sex workers, like Lithuania, Croatia or Romania, sex workers have extremely limited access to healthcare and HIV prevention, due to lack of effective strategies to respond to sex work settings becoming more mobile and clandestine, as a result of the criminalization of clients [12]. Lack of comprehensive geographic, temporal and sex work setting coverage (Bulgaria and Czech Republic), non-recognition of labour rights, forcing sex workers to obtain health insurance on grounds other than their sex work, lack of information and knowledge about existing health services [12],[13], and mental health problems [14] are also barriers to access healthcare in contexts of criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers. Evidence shows that one of the main barriers to access healthcare for nationals in all legal contexts are stigma and discrimination by healthcare providers [15],[16]. Criminalization also showed to have a negative impact on HIV prevention efforts, specifically 'End demand' policies, due to condom confiscation and citations by police as evidence of sex work offences [11], fear of prejudices by authorities and lack of access to prevention services for majority of sex workers in Sweden [17].

As for migrant sex workers, a considerable part of the total number of sex workers in the EU, particularly from Eastern European and other non-European countries, structural factors and conditions, such as sex work and migration policies, and sex workers' immigration status, are key factors of vulnerability.

This population faces even more difficulties in accessing health services in all legal contexts: many are not aware of existing health services due to language barriers, had negative experiences in their countries of origin in relation to healthcare providers, and fear to provide information about their activities, keeping away from official records to avoid arrest or deportation [12],[13],[16],[18]. In fact, HIV treatment and healthcare for non health-insured and undocumented sex workers are unavailable in multiple EU countries (e.g., Sweden, Romania, Czech Republic, Bulgaria, Germany, The Netherlands, Denmark, Finland) [12]. In the Netherlands, a regulation context, government organizations use a combination of providing health care and several control measures, which limits the accessibility of health services for migrant sex workers: focusing on regular check-ups and 'supervision' of licensed sex-work spaces resulted in unlicensed spaces and internet-based sex workers falling below the radar, since they cannot be included in the legal framework [16]. Spatial segregation [18] and stigma, such as discriminatory treatment or viewing migrant workers as trafficking victims, and self-stigmatization are also factors that discourage migrant workers to resort to healthcare services [15],[16] across contexts. As for factors that facilitate migrant workers access to health in The Netherlands, evidence shows having a family, working in a venue, and trust in social services as protective factors [16]. In countries like Bulgaria and Portugal reports show universal access to healthcare, part of governments' healthcare policies, are also facilitators for these sex workers. France provides an example of the most comprehensive range of HIV prevention, counseling, testing and treatment services for undocumented migrants of any country in Europe [19].

Increased physical health risks

Evidence shows that the relationship between sex work policies and HIV among sex workers is partially moderated by the effectiveness and fairness of enforcement. In countries where sex work is regulated, HIV prevalence is lower than countries where sex work is criminalized. Where selling sex is legal but brothels are not, there is less HIV than in countries where sex work is criminalized, and this association is stronger in countries which legalize profiting from all forms of sex work (including brothels). HIV prevalence is lower in Germany (where procurement is legalized), than in Sweden (Nordic model) [20]. Another study, consisting in a theoretical economic model, pointed out that prohibition could be effective in reducing quantity of infected individuals in the market, but not the best policy to reduce harm [21]. In partially criminalized contexts (criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers), a change to more risk-seeking clients [22] affects the health risks caused by unsafe practices. Economic pressure, social exclusion and less ability to negotiate with clients also increases risks of HIV and STD for national and migrant workers in these countries, like France, Spain or Bulgaria [14],[18],[19],[23]. Furthermore, reports show a lack of comprehensive and targeted HIV prevention campaigns for clients of sex workers in Bulgaria, Czech Republic, Lithuania and Romania [12],[13]. In Sweden, HIV risk increases due to lack of harm reduction and effective condom distribution strategies [24],[25]. Research also shows that police violence increases exposure to HIV and STD risks in countries where sex work is criminalized, through sex workers' marginalization and fear of arrest and prosecution [19],[20],[26]. In partially criminalized (criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers) and regulatory contexts, where there is a strict licensing system for HIV screening, more severe screenings of sex workers imply more infected individuals in the illegal market and less in the legal market [21]. Finally, social and peer support information are seen as protective factors that decrease health risks for eastern European and non-European migrants in the Netherlands [16].

Increased mental health risks

Studies showed that context plays a central role in sex workers' mental health in criminalization and regulation frameworks. Stigma and stigma-related experiences are the most important factors contributing to stress, burnout, post traumatic stress disorder (PTSD), depression, depersonalization, feelings of guilt and low self-esteem in sex workers in countries where sex work is criminalized or regulated [27],[28],[29]. In Croatia, where sex work is fully criminalized (criminalization and other forms of legal sanctioning of sex workers), public perceptions of prostitution that involve violence and exploitation are projected onto sex workers and have a negative impact in their mental health, causing feelings of self contempt and guilt [29]. In the Netherlands, having experienced violence was associated with greater post-traumatic stress, burnout, feelings of intrusion [27],[30] and fear of police and authorities. Regarding how working conditions influence mental health, other burnout-enhancing factors for sex workers seem to be not work itself, but lack of a worker-supportive organizational context. Depersonalization was also explained by not working by choice and lack of control in interaction with clients [27]. Those who engaged in prostitution for financial reasons showed more depressive and avoidance symptoms than those who engaged in prostitution for fun or excitement [30]. Workplaces also impact sex workers' mental health. Evidence suggests engaging in street prostitution was associated with PTSD [27], and higher levels of intrusion, avoidance, and hyper arousal than those experienced by people who worked in brothels, from home, or in a combination of settings that did not include working outdoors [30]. Lack of clients and consequent increase in working time due to financial pressure in a context of criminalization of clients, leads to stress and extreme fatigue in France [14].

In Spain, migrant workers' mental health is negatively influenced by lack of social support, fear of contracting STD and financial pressure to provide to families abroad, due to municipal bans on street prostitution and stigma [18],[28],[31]. Finally, female indoor sex workers in The Netherlands, a regulation context, did not exhibit a higher level of work-related emotional exhaustion or a lower level of work-related personal competence than a comparison group of female health care workers. Studies show that it is not only their experience at work that threatens sex workers' health, since acceptance of their professional choice, in their private lives, appears to be very important as well [30]. Having a sense of fair treatment from others and self-acceptance were associated with better mental health: as levels of self-acceptance increased, the desire to leave prostitution decreased, being associated with less post traumatic stress [27].

Theme 2: Safety

Relationship with police and access to Justice

Research shows that the relationship with the police and the Justice system is marked by distrust, fear, violence and lack of protection in countries where sex work is criminalized [15],[16],[23],[25],[28],[32]. Main reasons for police distrust evinced by reviewed studies were fear of being sanctioned under city ordinances in Spain, where, according to sex workers, fines are mainly aimed at women working on the street and not so at clients [28]; fear of being evicted by nationals and foreigners in Sweden, due to third-party regulations, leading sex workers not to report violent crimes, such as rapes, robberies or beatings [32]. In Spain, most participants linked municipal ordinances to a change of the role of the police, from protection to control agents, since they are now in charge of imposing the fines instituted by civic ordinances. Raids to arrest undocumented migrants, affecting brothels in particular, also create feelings of insecurity among sex workers. Furthermore, none of the women interviewed in the study by Villacampa and Tones (2013) [28] received counseling by police officers about the possibility of being directed to social services so that they could be informed of the resources available. Studies also show that harassment and threats by the police are common in criminalized contexts, and that this violence can be a direct consequence of police enforcement of strict policies towards prostitution. Threats of deportation of third-country nationals in Sweden are common, and justify migrant sex workers fears of reporting crimes to the police, since policies towards prostitution and immigration laws are intertwined in practice [32]. In Sweden, the police actively enforces the Sex Purchase Act by checking papers of those who work on the street, something that sex workers perceive as a form of control and intimidation [25]. According to police officers of the Stockholm Unit, police pretend to be clients searching through escorts' online advertisements to figure out the location of apartments and wait outside to catch a few clients [32]. According to sex workers, police officers visit them at their homes, threatening and forcing them to leave or accusing the owner of committing a crime under third-party laws [25],[32]. In Finland, the Sex Purchase Act does not seem to have such negative consequences in the lives of people who sell sex, since buying is only criminalized if from a person who is trafficked or pimped, so the police enforces the law mainly through pimping and trafficking investigations and convictions [32]. Research also shows that sex workers' restricted access to Justice is strongly linked to the absence of legal recognition of commercial sex activities by the state [15].

Increased financial, physical and sexual violence

Evidence shows that sex workers are subject to multiple forms of violence in all legal contexts, but this is particularly true in criminalized contexts, where increasingly restrictive measures in relation to sex work have brought important changes, with a negative impact on the type and intensity of violence toward sex workers. Although sex workers experience at least one form of violence from different perpetrators, and clients are the main perpetrators of physical and sexual violence in all contexts, including regulation contexts such as Germany or the Netherlands [33], studies indicate that the policies adopted in criminalization contexts have contributed to the increase in client violence towards cis and transgender sex workers [14],[15], [17],[19],[22],[24],[25],[28],[29],[32],[33],[34]. As for financial violence, one report showed that sex workers face financial inequalities and exclusion (e.g., not being able to open a bank account) in regulatory and criminalized contexts, being this the most common type of violence in Finland [33]. In contexts where sex workers are criminalized or legally sanctioned, like Croatia, impunity of crimes committed against sex workers has been observed, since they are discouraged to report them [29]. In fact, evidence shows penalizing policies, such as 'End demand' policies in France or The Sex Purchase Act, increase violence risks, limiting the time sex workers have to negotiate terms of sexual transactions and choose clients [14],[17],[22]. The fear and nervousness of clients lead to efforts to keep anonymity, resorting to threats, and demanding services further away from street areas, leaving prostitutes more vulnerable to violence than before the law came into force. Risk of violence by clients increases if they know sex workers won't file reports [33]. The 'End demand' law may also give rise to more risk seeking clients, which should affect the extent of violence against sex workers and health risks caused by unsafe practices [22]. On criminalized contexts, spatial displacement as a consequence of national or municipal restrictive policies also increases violence risk, particularly in street settings [15],[25],[28],[32],[33]. Sex workers from Spain report feeling safer in flats [28], although recognize that public policy is not effectively preventing violence [34]. Social stigma has a central role on physical and sexual violence in

criminalized contexts [14] and cis male sex workers are at greater risk of sexual violence in the Netherlands [33]. Migrant workers are even more vulnerable to violence in EU countries than national sex workers, due to lack of legal status, as perpetrators often assume that they are less likely to report crimes of violence or robbery to the police [13]. As for the role of EU policies towards sex work in trafficking and sexual exploitation, evidence suggests that criminalization increases the risk of sex workers' being trafficked and exploited by third parties [11], [14],[19],[22],[23],[32],[35]. In France, exploitation did not decrease under criminalization of clients [14], and in Bulgaria, dependence on third parties caused by policing, makes sex workers more vulnerable to abusive situations [19]. In Cyprus, a study analyzing police records showed that laws aiming to end sex trafficking and prostitution led to an increase of sexual exploitation in houses and apartments and a decrease in sexual exploitation in cabarets and pubs. According to the same study, the abolition of brothels led to the formation of a new scattered form of clandestine prostitution [35]. Studies also show possible negative impacts of The Sex Purchase Act in sexual exploitation and trafficking.

Drop in prices caused by the decline in demand leads to decreasing on voluntary sex work, which is replaced by forced sex workers and might occur a shifting that pushes sex workers out of hotels and official apartment rentals into informal housing arrangements that can be exploitative, and particularly in Sweden, the immigration and third-party regulations weakens trafficking victims' safety: there is no way for victims of trafficking to regularize themselves, which prevents them from seeking help from officials in exploitative situations [32].

Regarding violence in the trafficking market, one report shows this does not seem to be strictly dependent on the legislative model on prostitution, since there are other factors that seem to play a role, like poverty and rate of unemployment, level of welfare between countries of origin and destination, strict migration policies, level of anti-trafficking measures of the country, entrance of new states in the EU, or cultural and linguistic similarities [36]. Some of the violence risk reduction strategies used by cis and transgender sex workers in criminalization and regulation contexts are pretending to work with others, avoiding getting into cars or avoid working at home [29], avoiding living the city center, hiding money, working always at the same place [15], or using online communication to report cases of abuse or violence [16].

Risks and inequalities related to stigma

According to research, criminalization reinforces stigma through discriminatory practices by institutions and the media, perpetuating and legitimizing inequalities and fostering violence. Research shows that citizens living in countries where the purchase of sex is criminalized, such as Sweden, are less tolerant towards buying sex compared to citizens living in countries where the purchase of sex is legalized. Also, citizens living in countries where both buying sex and running a brothel are legal, like Germany and The Netherlands, are more positive toward buying sex compared to citizens living in a country where running a brothel is illegal, like Spain, Denmark or France [37]. Sex workers are victims of institutional violence from social services, healthcare and justice system, cases of Portugal or Sweden where being a sex worker has a strong influence, for example, in child custody decisions [15],[19],[25]. In contexts of criminalization and other forms of legal sanctioning of sex workers, like Croatia, interviewees reported, in the study conducted by Pajnik and Radacic (2020) [29], that stigmatized views of sex work by some assistance programs, views of sex work as violence against women, or views of sex work as immoral, contributed to further marginalization and stigmatization of their personal lives as well to being afraid to speak in public. Despite criticizing moral double standards toward prostitution in Slovenia, Slovenian participants in the same study seemed to be less affected by stigma and keener to define their work as legitimate [29]. The view of sex workers as victims and clients as perpetrators is dominant in Sweden, where under The Sex Purchase Act it is expected for sex workers to stop working or adopt a victim status in order to have access to social support [17],[25]. Stigmatization also facilitates abuse against sex workers, particularly so in criminalization environments, where has been observed a climate of impunity [29]. In The Netherlands, where sex work is regulated, the majority of sex workers experienced stigma [27] and migrant sex workers associated greater stigma to perceptions in Dutch society, supported by the dominant media discourse that the majority of sex workers are trafficking victims [16]. In Italy, a report showed that the media released news that systematically stigmatized sex workers, printed reports on laws and regulations against sex work and publicized police raids against sex workers [19]. The stigma sex workers experience fosters self stigmatization and feelings of shame [28], which leads them to hide their occupation from institutions and their families as a protection strategy [28],[15],[33],[34].

Theme 3: Living and working conditions

Changes in working conditions and spatial displacement

Evidence shows that changes to more restrictive policies across all contexts have negative repercussions on work conditions and work displacement [13],[14],[15],[16],[18],[22],[23],[25],[28],[29],[31],[38]. In contexts that criminalize third parties or clients, studies show that the absence of legal recognition lead to poor working conditions: although not illegal, sex work is neither recognized nor regulated as a profession [15],[23]. Sex work laws work closely with migration laws, and this has a destructive impact on the working conditions of migrant sex workers [23],[28],[31]. Although many have legal residence permits in the countries in which they work, and the fact that sex work is not recognized as formal occupation, makes the majority of sex workers not eligible for applying for a legal work permit [13]. The municipal ban in Spain and consequent absence of legal protection leads migrant women to rely on protection from those who view them as a source of profit, and brothel owners and managers often threaten to report them to the authorities. Undocumented women have no rights as citizens and workers in the EU, which increases social inequalities and decreases control over work environments across all contexts [13],[19],[23],[28],[31]. Studies also evince the role of The Sex Purchase Act (contexts of criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers) as seemingly been used as a tool with which to displace public sex work [25]. In Cyprus, under the legal framework introduced in 2000, konsomatrices, who initially started to work voluntarily, now work in conditions of servitude [38]. As for most countries that criminalize and legally sanction sex workers, like Lithuania or Romania, increasing repression of sex work settings lead to closing brothels, clubs and saunas, making more women choose to work independently, or shifting to indoor settings to avoid police harassment. However, migrant women working conditions, mainly in illegal brothels, are also worsening [40]. Perceptions of work are influenced by legal norms, and criminalization frameworks force sex workers to reorganize. While in Slovenia (criminalization and other forms of legal sanctioning of third parties and/or clients but not sex workers) policy has enabled sex workers to interconnect as a business strategy, in Croatia and Italy (both types of criminalization contexts), any form of organizing is criminalized, which leads to social isolation and increased violence risks [19],[29]. According to the literature, the criminalization of sex workers in Croatia seriously affects streets sex workers, who are targets of law enforcement agents, particularly in Zagreb, where they are often arrested and punished simply for standing in a street, while in Slovenia, specifically in Split, police action is undercover and targets flats. Therefore, sex workers in both criminalization contexts are forced to find self organization strategies, such as different strategies for advertising or alternative channels and ways to attract clients [29]. In Belgium evidence shows the influence of ineffective regulation and enforcement on the existence of informal activities and sex workers' choices: given the restrictions regarding regulation of prostitution, 'back doors' are used to control the sector [39].

Evidence shows that policies toward sex work also influence changes in prices across all contexts. Studies show that street sex workers report a significant drop in the prices in recent years, particularly in contexts that criminalize and apply other forms of legal sanctioning of third parties and/or clients but not sex workers, due to a decline in demand, increase in the number of sex workers and competition in the last decade [22],[28]. Conversely, in Sweden, although street sex work has suffered a drop in prices caused by the decline in demand [24], which could lead to replacement of voluntary work by forced sex work [22], the price of indoor sex work has increased, which has been attracting more sex workers to the country [25]. Finally, criminalization policies have a detrimental effect in the relationship with clients, characterized by a shift in power relations, leaving sex workers less margin to negotiate and choose customers [14]. In France and Sweden sex workers' reliance on third parties is exacerbated by legal barriers and discrimination, especially against migrant women, in renting workplaces, hotels and apartments [17].

Social inequalities and isolation

Research shows that criminalization of sex work and migration policies increase the social inequalities that affect all sex workers in the European Union, having a greater impact on the lives of migrant sex workers. Studies conducted in countries where there is criminalization and other forms of legal sanctioning of third parties and/or clients, but not sex workers, evince that difficulties negotiating with clients, drop in the number of clients, drop in prices and fines imposed by police enforcement of policies lead to violence risks, economic insecurity and financial pressure [22],[28]. Third party laws in Sweden and France have a direct and negative impact on housing, with reports of forced dislocation and evictions due to denouncements by police, that often threat landlords [25], or being forced to ask clients to accommodate them to avoid sleeping in the streets [14]. In practice, sex workers are pushed out of hotel rooms or apartments, where they often feel more secure, into informal and often exploitative housing arrangements [32]. In a study in Belgium, participants reported inadequacies of Belgian policies regarding taxation of incomes, and opinions are divided. While some see their sex work as a temporary means of earning a lot of money in a short time, and do not care about social security, others see sex work as a long term job and acknowledge the need to build up social security rights based on that work [39]. Income is only partially declared on private houses because there is no control by the police or tax offices [39]. Migrant workers in the EU face disproportionate inequalities and discrimination due to their precarious legal status, which causes considerable disruption in their living conditions [23],[31],[38],[39] and social isolation [18],[23], which are aggravated by language barriers [16],[18],[28], fear of being reported to authorities [23] and, in some cases, such as in Spain, spatial segregation [18]. There is a generalized lack of comprehensive and targeted support and services for ethnic minorities in criminalized contexts, such as for Roma sex workers, who experience multiple, intersectional, forms of discrimination [12],[13]. The undocumented, documented, or partly legal status of migrant workers in Europe (e.g., residence but not work permits, tourist visas but not residential permits) puts them at increased risk of abuse and multiple forms of discrimination, and prevents them from accessing vital services [13]. Therefore, studies show that migrant workers living in EU countries have limited access to social welfare [32], which is not in balance with the work performed [39], and lack institutional support in case of victimization and trafficking [31],[32]. Finally, studies point to migrant sex workers being targets of punitive regulations that are executed through migration and third-party laws under The Sex Purchase Act (Nordic model) and are prioritized in policing in Sweden and Finland, particularly Nigerians and other third country nationals, who can be deported or may be denied entry to the country [32]. In Cyprus, migrant sex workers are taken directly from the airport to a hospital to be tested sexually transmitted diseases including HIV/AIDS, syphilis, and gonorrhea. Having a positive result leads to immediate deportation, and if the tests are negative they are granted a work permit [38]. The legal framework (in this case, migration laws) is one of the main causes for the vulnerability of migrant sex workers across all contexts, and the majority of sex workers in Europe are migrants [40]. Finally, according to the literature, NGOs have a positive impact on the living conditions of sex workers in the multiple legal contexts, providing confidential psychosocial and legal support, information in native language for migrants, harm reduction strategies, counseling and protection in case of trafficking (e.g., in Germany) as well as training to recognize human trafficking situations [34].

Conclusions

Evidence demonstrates that criminalization and regulation of any form of sex work has devastating consequences on the lives of national and migrant sex workers who reside in the twenty five European Union member states included in this review, in terms of health care, prevalence and risk of contracting HIV and STD, stigmatization and discrimination, financial, physical and sexual victimization due to marked social inequalities. Furthermore, evidence showed a 'domino effect', by which the harm caused by policies in each one of the dimensions analyzed (health, safety and living and working conditions) influences the whole, emphasizing the need to create comprehensive policies to protect and better respond to the contextual factors shaping sex workers' marginalization, in accordance to the goals and values of the European Union of human dignity, respect for individual freedom, equality, rule of law and human rights. The evidence available strongly suggests that the removal of criminal laws and enforcement against sex workers and clients may bring the greatest benefit to sex workers and society in general, allowing them to enter the formal economy and benefit from social insurance, protection from law enforcement and access to Justice system, fostering empowerment, better mental and physical health, and reducing vulnerability to stigma, HIV prevalence and physical and sexual exploitation. impossibility of being arrested and deported.

Research in the 25 countries included revealed that policy and legislative changes on all levels have had negative consequences for both migrant and national sex workers, despite the improvements in this matter for migrant sex workers from the recent EU countries. Even in partially criminalized (excluding the criminalization of sex workers) and regulatory contexts, the increasingly restrictive measures at the municipal level seem to complement central government policies, with evident practical consequences in the lives of sex workers, including spatial displacement and increased violence risks, leading to a de facto criminalization that reveals states' double standards and ineffectiveness. That said, studies show the need for a new progressive legal framework regarding sex work, which integrates national and municipal or provincial laws, focused on the full protection of sex workers in all analyzed dimensions. Evidence shows that The Nordic Model, although applied inconsistently in Sweden, Finland, France, Ireland and another non-EU country, replicates inequalities related to migration in the regulation of commercial sex through prostitution, third party laws and migration legislation, leading to destructive consequences in the safety and integrity of sex workers, which have been overlooked. The legislation has been introduced with the aim of abolishing prostitution, successfully increasing the stigma towards sex work, viewed as a form of gender and sexual violence, which has proven by research to have negative impacts on the mental and physical health of sex workers and detrimental effects on their living and working conditions and safety. Furthermore, there was found no evidence demonstrating that The Sex Purchase Act has succeeded in decreasing levels of prostitution, but there is evidence that shows that it caused spatial displacement, social problems and changes in type of relationships with clients with increased risks for sex workers, without putting in practice effective strategies of harm reduction and condom distribution. Evidence also shows that the criminalization of buying sexual services increases sexual slavery under certain conditions, and recommend avoiding regulatory measures that trigger a fall in prices. Instead, policy that focuses on the costs of slavery may force the slave owners to leave the market without harming the free providers of sexual services. The Nordic Model and its anti-trafficking procedures have also led to the displacement of illegal sexual acts. Despite the release of campaigns around human sex trafficking in Sweden, research showed that migrant trafficking victims are not given appropriate social support, something that keeps them from reporting crimes related with trafficking out of, once again, justifiable fears of being deported. Finally, it is clear that there is a need of structural changes in policing and legislation that focus on labour and other legal rights, social and financial inequities, human rights, stigma and discrimination in order to protect cis, transgender sex workers and ethnical minorities, in greater commitment to reduce sex workers social inequalities, exclusion and lack of institutional support. These measures could also have a positive impact on reducing and monitoring human trafficking and exploitation. More qualitative, quantitative and mixed-methods research is needed that focuses specifically on the ways EU policies affect sex workers at municipal and national levels, and what factors contribute to the increase of trafficking and exploitation.

3. Conflicting activisms in commercial sex field: To end prostitution Vs. recognize rights to sex workers

Why was this study done?

- This study aims to understand the different forms of activism in the field of sex work, exploring the demands made by organizations and activists who embrace sex work as a work, and also exploring the claims of those who embrace the abolitionist perspective, highlighting some of the ways in which it has influenced legislation and public policy.

How was this study done?

- The investigation was based on documental analysis, including scientific literature and the so called “grey literature”. We also conducted five semi-structured interviews with key actors, such as leaders of sex worker’s associations and representatives of NGOs who are specialized in working in this field.

Key findings and policy implications

- Sex workers have struggled to organize, unite and mobilize resources to fight for the recognition of sex work as work, for the right to be protected from violence and for the right to not be discredited or to not be discriminated.
- Abolitionists conceive all situations and experiences of prostitution as victimizing, address their discourse only to women, fail to recognize the agency of people who engage in sex work, and transmit bias by exemplifying the most common extreme cases, serious exploitation and negative experiences in the activity. Thus, the abolition advocates demonstrate how simplistic is their approach, as they do not meet the multiplicity of situations and experiences in the field of sex work.
- Increasing policing and repression of commercial sex practices dehumanizes people in sex work. One of the changes that has been indicated as necessary to prevent the abuses often conflated as ‘trafficking’ is the decriminalization of sex work.
- Considering the subjective specificity of the multiple experiences and meanings of sex work, it would be important to listen to sex workers. Excluding these marginalized voices from the spaces where decisions are made ensures that those who live in the margins remain there, vulnerable to further disenfranchisement.

The emergence and struggles of Sex Workers’ mobilization

It is said sex workers are the original feminists for their constant struggles for better and equal rights. Mac and Smith [1] point toward the medieval brothel workers who formed guilds and went on strike; the 15th century Bavarian prostitutes defying politicians to describe their work as work; 1917’s ‘original Women’s March, when 200 San Francisco workers marched against brothel closures; and 1970’s in Wages for Housework campaign.

Modern sex worker activism is usually understood as having started in the 1970’s, simultaneously in the United States of America, when Margot St. James, a prostitute, formed COYOTE, the first organisation in the Western world to call for sex workers’ agency in the struggle for their rights, defending sex work as labor work [2] and in Europe when, in 1975, a group of prostitutes occupied a church in Lyon in order to draw public attention to criminalization, poverty and police violence [3]. The occupation of several churches in France after Lyon inspired the occupation of churches in London and the creation of the English Collective of Prostitutes, in that same year. After this, many others sex workers’ rights advocacy groups have emerged in several parts of the world [4].

Over the 1980’s, the sex workers’ rights movement developed and became increasingly international. The First and Second Whores’ Congress took place in Europe (1985, in Amsterdam, and 1986, in Brussels, respectively), and new sex worker led groups began emerging from all around the world, suggesting that sex workers are a class of workers eligible for human, civil and labour rights [5]. In 1985, delegates at the First World Whores’ Congress launched the International Committee for Prostitutes’ Rights and produced the World Charter for Prostitutes’ Rights [6] with aim of protecting the rights of prostitutes worldwide [4]. Years later, the Declaration of the Rights of Sex Workers in Europe was signed by 120 sex workers and 80 allies, attending the European Conference on Sex Work, Human Rights, Labor and Migration, which took place in Brussels in October, 2005 [6]. The Declaration lists rights that all individuals within Europe, including sex workers, enjoy under international human rights Law (e.g., Sex workers have the right to equal protection of the law; or Sex workers, regardless of immigration status, have the right to the highest attainable standard of physical and mental health) [6]. The Declaration also prescribes measures and recommends practices considered the minimum necessary to ensure that these rights are respected and protected.

The sex workers movements are considered an expressive advance, since for the first time the subjects are politically organized and express their opinions in the public debate about prostitution [3]. These movements represent a collective action that questions the generalized social domination implying a social and moral conflict, and the contestation of the status quo [8].

From the international contextualization of sex workers' movements, we may infer the association of their emergence with real threats such as repression, criminalization, police violence, and/or crimes directed at sex workers. Thus, oppression seems to contribute to a large extent to the union of subjects around the defense of common issues. Sex workers have fought for the recognition of sex work as work and to be called sex workers, for decades. However, from the beginning of labour organizing, sex workers have been, mainly, excluded from trade unions and in most of the European countries sex workers are still denied joining an union or creating their own [9]. Even recently, in 2018, in Spain, a group of sex workers who founded a union — OTRAS Union — saw their claims denied by the National High Court, which annulled the union's statutes, considering that it was unacceptable for prostitution to be the object of a valid work contract. Besides labour rights, when we mention sex workers' rights, we talk about protection against violence, non-interference in private life and the right not to be discredited or not to be discriminated.

Furthermore, the sex worker movements face several obstacles, both at a macro level, such as the legal, political, medical and social discursive aspects related to the legal context in force in the respective country; and at a micro level, such as the lack of organizational structure within the world of sex work, the personal, social, economic and cultural characteristics of the population, usually with general conditions of precarious lives and low academic and professional qualifications [7].

The main obstacle confronted by these movements is the ambivalence directly related to the stigma of prostitution [7], [10], [11]. Sex workers can consider their activity as work, but stigma and the criminalization or the absence of official recognition leads them not to feel completely convinced that prostitution is a profession, facing it as a temporary situation and whose social reprisals do not justify a proactive stance [12]. Plus, the feeling that they don't have no legitimate right to enter the public debate conducts to dependence on their "allies", that may deprive the population of the resources it needs [10].

If, initially, there was an inter-class feminist alliance between feminists and prostitutes, which supported and influenced the growth of the sex workers movement, after the 1980's, the ideological and strategic tension among feminists led to a huge division in the international feminist movement [13]. The tensions reflect the theoretical differences between those arguing that prostitution is a form of violence against women, and is inherently oppressive, damaging and exploitative (e.g., [14],[15],[16],[17],[18]) and sex-positive feminists who argue prostitution is chosen by many women as a form of work and women in the sex industry deserve the same rights as other workers [19].

The abolitionist discourse

The narratives of abolitionism are distinct and situated at different times. During the Victorian era moral panics around venereal diseases and the preoccupation with "white slavery trade" expressed anxiety over the immigration and women's shifting roles [20]. Encouraged by a broad coalition of feminists and religious groups, prostitution was constructed as morally and physically dangerous, justifying the intensive moral, social and legal regulation of many unmarried working-class women [20].

Nowadays, abolitionists consider prostitution as the absolute "embodiment of patriarchal male privilege" [21] and a form of violence against women that deprives a woman's dignity [22]. They argue that promoting prostitution as a job fails to recognize the specific nature of prostitution, which involves multiple abusive and coercive sexual acts which would be considered unacceptable and illegal [23], reducing woman to an object for the sexual consumption of men [24],[25]. Prostitution is perceived as sexist violence, which finds logic and support in patriarchy, social stratification and women's vulnerability [26]. Abolitionists propose to criminalize sex work based in three arguments: (1) The sex trade is in conflict with the notion of equality between men and women; (2) Countries where prostitution had been accepted, it had increased; (3) The social costs of prostitution in terms of disease and crime are harmful for society as a whole [27].

As was said earlier in this report, in 1999, the Swedish Government proposed that only the purchase of a prostitute's service should be punished, which was followed by several other countries as we have seen. The Swedish Government also believes that ending prostitution is the only way to stop human trafficking for sexual exploitation. To achieve this goal, neo-abolitionists campaigns establish a link between sex trafficking and prostitution. The central premise is that sex trafficking exists because of the existence of the very profitable prostitution system. So, they argue that because there is a demand, traffickers and pimps build and look up for 'supply' to perpetuate this demand [22]. The notable success of its strategies is related to the lack of counter-discourse and lobbying by influential groups, and unlike other struggles, such as abortion, in this case the "moral entrepreneurs" do not encounter strong opposition [28]. Whenever the speech of the abolitionists is publicly criticized, usually by sex workers, they are ignored, discredited or denounced as being a voice in defense of the interests of traffickers and exploiters.

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To feminists, I would say 'Please remember the principles of feminist solidarity, and please remember the principle that women have the capacity to decide for themselves, what's good for them, that they don't need men to do that, and we also don't need other women to decide for us, we are perfectly able to decide about our own lives... and remember how we women have fought for our rights to decide about our own bodies and our own lives, and sex workers fighting for their rights is part of the general fight of women for the rights to decide about their own lives (...)' (Marjan Wijers, expert in women rights, sex work & trafficking)

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The abolitionist lobby is so strong and we are talking about fake news that they produce... But it is very hard for sex workers to speak out and say "no, that is not true!"...it's our biggest frustration... because there is such a big stigma around sex workers (Luca Stevenson, Coordinator, International Committee on the Rights of Sex Workers in Europe - ICRSE)

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There are daily struggles around poverty, violence, exclusion... it's very hard for sex workers to be listened or heard. Sometimes sex workers are invited to speak but they are ignored anyway. So it's a difficult issue. If you look at the Covid crisis, it is "interesting" to see that sex workers are excluded from most government's responses and therefore, they needed to start organizing for themselves (Luca Stevenson, Coordinator, International Committee on the Rights of Sex Workers in Europe - ICRSE)

The re-emergence of sex trafficking and the dangers of oversimplification

The panic surrounding human trafficking has emerged with the collapse of the Soviet Union as well as expansion of the EU and growing “free travel’s passport”, which increases both formal and informal migration [29]. It is not a new panic, but something of a reimagining of old concerns and social fears³. The present late-modern period and the dynamics of globalization (fluidity in the movement of people and capital) and late-capitalist restructuring, alongside a growing sex industry [20] have incited a similar coalition of “new abolitionist” feminists, the religious right, moral puritans and evangelical Christians [30]. As argued by Wagenaar [31] regarding prostitution European policies, in the last 20 years, a coalition of radical feminists and Christian and Social-Democrat politicians took over the moral debate about prostitution; they argue successfully that prostitution should not exist in a civilized society, as prostitutes are coerced victims and prostitution an expression of patriarchy.

Sex work is mistaken with other practices that are widely condemned: domestic violence, rape, sexual slavery and commercial sexual exploitation and sex workers are called “prostituted women”, “victims” or “survivors” and clients are defined as “perpetrators”. Not only sex work, but sex workers themselves are generalized, pathologized, and infantilized as traumatized survivors of abuse and violence experienced both during and as an antecedent to sex work [25],[17],[32] [33].

To achieve their aims, activists seek to generate widespread public concern about a problem and lobby political elites to intensify punishment of offenders or criminalize acts that were previously legal [34]. Typically, as said by Weitzer [35], they use sensationalism as a main strategy to justify draconian solutions: exacerbation of the magnitude of a problem, for instance, when it comes to the number of victims that far exceeds what is warranted by the available evidence; anecdotal horror stories, in which the most shocking cases are presented as typical and prevalent and created to arouse reader’s indignation⁴; and categorical conviction, that is, there is a specific evil exactly as they describe it and refuse to recognize any gray areas. According to the same author, this can be seen as a moral crusade in the sense they see their “mission as a righteous enterprise to combat a particular condition or activity that is defined as an unqualified evil” (p. 63).

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Understanding sex work as work is not synonymous with “my body, my rules”. The question goes beyond that. It is a struggle over labour rights, the recognition of work that is ostensibly feminine and precarious like other essentially feminine activities such as domestic work.

(Fernanda, Advocacy Officer – APDES)

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It has been hard to see Iceland and France begin to suffer the consequences of the Swedish model which has ignored and exacerbated the challenges of sex workers in Sweden for the past 20 years. Of course, now in Ireland, we also are suffering the consequences of this increased criminalization and stigma; we are facing escalated violence to the tune of a 92% increase in the past three years. (Kate McGrew, sex worker, Director of Sex Workers Alliance Ireland and co-convenor International Committee for the Rights of Sex Workers of Europe)

In fact, knowledge regarding sex work is increasingly being distorted by these influential groups and organizations, who regard the sex industry as a universally harmful institution. They present their central claims by as self-evident, absolute principles, an approach that may be contrasted with a scientific one [35]. To summarize, it’s possible to identify a set of core claims regarding prostitution in general and sex trafficking in particular, based on: (1) Prostitution is evil by definition; (2) Violence is omnipresent in prostitution and sex trafficking; (3) Sex workers lack agency; (4) Customers and traffickers are the personification of evil; (5) Prostitution and sex trafficking are inextricably linked; (6) Legalization would make the situation far worse than it is at the present; [34]

The oppression paradigm defines prostitution in one dimensional manner, as inherently exploitative and harmful to workers [34]. The distinction between coerced and voluntary prostitution is regarded as a fallacy, once, according to prohibitionists, coercion and domination is always involved. Such categorical terminology obscures the empirically documented relationships between workers and the third parties which are complex and varied.

Besides that, sex workers have boundaries to which they expect clients to adhere. Therefore, sex work implies purchased consent, in which sex workers hand over control of their boundaries and bodily rights with the exchange of cash [1].

Apart from ontological characterizations, the mythology of prostitution also features a set of specific claims regarding the sex trade that the vast majority of prostitutes enter the trade when they are under 18 years old, were physically or sexually abused as children, were deceived or forced into the trade by traffickers, use drugs, and desperately want to exit the sex trade. When generalized to sex workers, these claims are fallacies. Young age of entry, for example, was identified as an age-old myth by Winick and Kinsie (1971) in their classic book on prostitution. Using sampling limitations and frequently generalizing from small convenience samples, conclusions typically go beyond their data.

³ The roots of contemporary anti-trafficking laws can be located in the prostitution-abolitionist ideology of the late nineteenth century, where we can find some similarities between the moral panic surrounding “modern-day slavery” and that of the “white slavery” scare (a period of campaigns portrayed a “world filled with sexual danger for young white women, seduced and exploited by ‘sinister dark men’” [5])

⁴ That was the case when the film *Lilja 4-ever* (directed by Lukas Moodysson, in 2002) was shown at the Swedish Embassy in different countries as a way to advertise the virtues of the designated Swedish model.

The generalization about prostitution claims that there is no difference between different sectors of sex work, where empirical analyses demonstrate a huge diversity of activities under the term sex work and a great diversity of experiences among participants [36]. They claim that 80-100% of prostitutes are victimized [25], a number much higher than those reported by mainstream researchers (e.g., [37], [38], [39], [40], [41]). Well-constructed comparative studies (e.g., [42],[39],[41],[36],[43]) have found significant differences between street and indoor prostitutes in occupational practices, job satisfaction, self-esteem and several types of victimization. An assessment of the amount of prostitution before and after legalization in New Zealand in 2003 found that the number of sex workers has not increased as a result of passage of the Prostitution Reform Act [41], [44].

Regardless of the core claims of this moral crusade which are unverifiable and contradicted by a large body of social science research, in practice, prostitution policies are becoming increasingly separated from research based on standard canons of scientific research. By dramatizing the plight of traumatized victims, dramatizing the human suffering, demonizing ‘perpetrators’ and exaggerating the extent of the problem, the abolitionists’ claims are reported widely and uncritically in the media, creating alarm and fear in public opinion. So, when the social problem identified is accepted by the authorities, it will be gradually institutionalized. In the last years, this moral movement achieved a remarkable success, transforming itself from a social movement into a “political project” [25] becoming institutionalized in official discourse, legislation, and enforcement practices.

As we have seen, ‘religion’ is not itself determinative of the political response to sexual and gender inequalities. Through the anti-trafficking alliance between conservative christian, evangelicals and carceral feminists⁵, fear of trafficking is, now, used to justify a variety of repressive prostitution policy regimes to “end the demand” [12]. It does not mean that coercive trafficking is fictional. Force and deception are realities in the sex trade, and the perpetrators deserve shift punishment. What is largely missing from crusade discourse is, on one hand, the impact of this kind of discourses on sex workers’ safety, and on the other hand, the attention to the root causes of migration, such as poverty and barriers to women’s employment [34].

The uncritical use of the term trafficking hides how anti-migrant policies produce harm, enabling anti-migrant politicians to pose as anti-trafficking heroes even as they enact their anti-migrant policies. It is important to recognize that the effects of these interventions have also included the increased criminalization of sex workers and the deportation, and often subsequent arrest, of migrant sex workers who are apprehended in anti-trafficking raids [45]. As Marc and Smith [1] pointed out, for abolitionists groups, the problem is the commercial sex which produces trafficking, so they want to terminate commercial sex through criminal law, giving more power to police forces; on the contrary, the problem for sex workers are the borders, which produce people who have few to no rights as they travel and work, becoming more vulnerable to exploitation and violence.

In fact, many sex-worker activists regard the legal framework of trafficking as more harmful than benefit to their work [45] and have long explained that one of the many conditions necessary to prevent the abuses often conflated as ‘trafficking’ is the decriminalization of sex work. The idea that decriminalizing sex work can assure safer working conditions and guarantee all human rights has been supported by many agencies: UNFPA, UN Women, UNAIDS and UNDP; relevant human rights organisations such as Human Rights Watch and Amnesty International; and anti-trafficking organisations such as GAATW and La Strada International [46], [49]. In 2015, Amnesty International passed a resolution calling for the decriminalization of sex work, arguing that prohibitionist and abolitionist laws are detrimental to sex workers, as they push them underground, prevent them from reporting violence and deprive them of the ability to work together for safety [46].

The repressive framing of sex work in countries such as Sweden or France needs to be understood in relation to the political context⁶. A similar socio-economic climate and fears surrounding immigration, hidden within the spectrum of trafficking, resulted in a very different legal response from the Netherlands, that voted to legalize commercial sex in brothels. One of the main purposes of the new law was to reduce gendered exploitation in this area, distinguishing between voluntary and forced prostitution.

“The true is that nobody wants to be seen as pro-prostitution, no government, no politician wants to be seen as pro sexual rights because it is a social and moral issue (...) but “fighting against trafficking” is worthy of value... the problem is that it’s not about trafficking, it’s about prostitution. (Luca Stevenson, Coordinator, International Committee on the Rights of Sex Workers in Europe - ICRSE)

“Without legal avenues to work we fall prey to third parties who wait poised to exploit our lack of options and vulnerability. Criminal laws and bylaws, and keeping legislation on sex work in a criminal sphere, means that we have antagonistic relationships with police, leading to very low instances of reporting, positive experiences, and justice (Kate McGrew, sex worker, Director of Sex Workers Alliance Ireland and co-convenor International Committee for the Rights of Sex Workers of Europe)

“We seek full decriminalization as opposed to legalization as they have in Holland and Germany because the over-regulated model in those countries means that very few can meet the criteria to work legally and once again we have a massive black market (Kate McGrew, sex worker, Director of Sex Workers Alliance Ireland and co-convenor International Committee for the Rights of Sex Workers of Europe)

⁵ Carceral feminism is a term coined by Bernstein, in 2007 [30], referring to the commitment of abolitionist feminist activists to a law and order agenda and a drift from the welfare state to the carceral state as the enforcement apparatus for feminist goals. Bernstein argues that secular feminist antitrafficking efforts might be described as carceral feminism.

⁶ The Swedish Law is an attempt to deal with perceived national anxiety over entry into the EU and the fear of growing migration about prostitutes flooding into the country from Eastern Europe [27]. It is also an attempt to reinforce both cultural and geopolitical boundaries, at the same time, as an influential role was played by a state feminist which infused Sweden’s conservative social policy norms with radical feminist ideology to produce laws that defend gender equality as its key objective [20]. In France, there has been a reframing of racist policies ever since the refugee crisis and terrorist attacks prompted the establishment of a ‘state of emergency’. In both scenarios, sex workers are the first hidden target of the fight against migration, under the excuse of trafficking [46].

Despite of Sweden and the Netherlands being described as representing a “two-way ideological mirror”, meaning that despite of the differences in rhetorical and legal strategies for the governance, Scoular [20] argues they share similarities in terms of their regulatory ambitions and appear to have remarkably similar results on the ground in terms of the increased marginalization of public forms of sex work. According to the author, whether based on victimhood or on the recognition of sex workers’ inherent agency, social exclusion is being used as leverage for increased control rather than for increased social justice. Both countries, under the flag of sex work decriminalization, maintain spaces for the operation of the capitalist economy and eradicate particular spaces of prostitution, noticeably street sex work.

In the attempt of eradicating the gendered inequality they see in purchase of sex, carceral feminists, intentionally or accidentally, built an image of sex workers as passive victims lacking agency and self-determination and strengthen the state’s and police’s power to control and disempower sex workers. That said, it continues to produce harassment, prosecution, arrest, violence, and poverty for those who sell sex. Ironically, this alone is a deeply patriarchal dynamic [1] that displaces women perceived to be deviant and disruptive to normative hegemonic masculinity.

The political power should pay more attention to the fact that paid sexual services are a constellation of occupational arrangements, power relations and worker experiences. It’s important to focus in socioeconomic conditions that promote sex work, focus on unfree labour rather than prostitution per se and identify concrete ways of enhancing workers health, safety, and control over working conditions [34]. Victimization, exploitation, choice, job satisfaction, self-esteem, and other dimensions should be treated as variables, that differ depending on type of sex work, geographical location and other structural and organizational conditions [28]. Plus, the lived experience of sex workers should be considered and they must be included as experts, rather than objects, so as to allow shifting away from moralistic (idealistic) discourse in order to deliver practical and realistic recommendations [47]. As the intersections of injustices are cumulative and disenfranchising, excluding those marginalized voices from the spaces where decisions are made, ensures that those who live in the margins remain there, vulnerable to further disenfranchisement [48].

Supporting sex workers’ rights means understanding the diversity and complexity of their lives and involving sex workers from diverse communities in decision-making, policy making and debates [9].

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But different legalization models also have human rights issues, such as where registration or medical exams are required, or where there are conditions regarding sex or marital status for legally performing sex work. Also, non-EU migrants are excluded from legality. The criminalization of clients is also problematic, as it can undermine health and safety of sex workers, pushing sex work in the criminalized zone. (Dr Ivana Radačić, researcher/academic)

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Countries need to recognize sex work as work and adopt the full decriminalization... it’s the only way to approach exploitation. Supporting the decriminalization of sex work is the way of sex workers to fight exploitation, to fight for better conditions, for working conditions, to self organize. (Luca Stevenson, Coordinator, International Committee on the Rights of Sex Workers in Europe - ICRSE)

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Politicians must listen to current sex workers as we are the ones with the lived experience regards to what our realities are living under these laws and attitudes in society. Politicians must make great effort to meaningfully engage with this hidden population when considering policies and they must always be directed by sex workers about not only the harm reduction policies that can keep us most safe. (Kate McGrew, sex worker, Director of Sex Workers Alliance Ireland and co-convenor International Committee for the Rights of Sex Workers of Europe)

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To other politicians, I would say human rights apply to everybody and to politicians that are not feminist or human rights supporters, I would say you cannot consciously support policies which you know will harm groups of people who are already marginalized and stigmatized, that really is in contradiction with every european value we want to stand for. (Marjan Wijers, expert in women rights, sex work & trafficking)

4. Recommendations

As we stated at the beginning of this report, forced prostitution, trafficking, and child prostitution must be prohibited, systematically condemned and prosecuted. Considering sex work as an exchange of services between consenting adults, which was the focus of this report, we recommend:

The full decriminalization of adult consensual sex work

The evidence available strongly suggests the removal of any criminal laws and other forms of sanctioning and enforcement against sex workers, clients and third parties, which are prevalent in the EU. The removal of these laws and sanctions against sex workers and clients may bring the greatest benefit to sex workers and society in general, allowing them to enter the formal economy and benefit from social insurance, protection from law enforcement and access to the Justice system, fostering empowerment, better mental and physical health, and reducing vulnerability to stigma, HIV prevalence and physical and sexual exploitation. Even in countries regulating prostitution, part of the sector is criminalized and operates illegally, and there are few sex workers who can meet the criteria to work legally, implying that they work without any protection. Also, mandatory registration, health checks and zoning are discriminatory and stigmatizing and should be abolished. The criminalization of buying sexual services, included in the so-called Swedish model, does not make sex work disappear but puts sex workers in a situation of greater vulnerability and is largely contributing to increase their stigmatization. There is no reliable evidence demonstrating that the Swedish Sex Purchase Law has succeeded in decreasing the number of men purchasing sex and the number of people who are trafficked into prostitution [1],[2],[3].

Structural changes in policing and legislation

There should be structural changes in policies focusing on labour and legal rights, social and financial inequities, human rights and stigma and discrimination in order to protect cis, transgender sex workers and ethnical minorities, in greater commitment to reduce sex workers social inequalities, exclusion and lack of institutional support. These measures could also have a positive impact on minimising the effects of social disadvantages regarding sex workers' decisions and on reducing and monitoring human trafficking and exploitation.

Laws should be pragmatic and humanistic

For many reasons, many people choose to exchange sex for money, which is a legitimate option, although it is recognized as an activity containing negative aspects and specific risks. In this sense, we should have pragmatic laws that guarantee the protection of sex workers and that assure their activity is consensual, exercised free of violence and discrimination and with no more exploitation than the one that exists in other occupations [4]. Otherwise, the concrete problems of people who sell sex will not be solved. The creation of comprehensive policies to protect and better respond to the needs of sex workers should be in accordance to the goals and values of the European Union of human dignity, respect for individual freedom, equality, rule of law and human rights.

Laws should be based on evidence and not on morals or misconceptions

EU policies about sex work should be based in sound scientific evidence. Debate around sex work is usually dominated by moral, ideological, or philosophical premises instead of being based on knowledge, whether scientific, technical, or other. Evidence-based policy, in contrast to opinion-based policy, leads to well-informed decisions about social phenomena. Legal reforms need to be strictly evidence based, not driven by unsubstantiated, exaggerated, or sensationalized claims or fears [5], because otherwise, policies about sex work can best be understood as an instance of morality politics [6].

Collaborative governance when designing laws and policies

Politicians, public agencies and authorities should be involved with stakeholders when developing and implementing laws. This is known as collaborative governance [7], [8] and brings public and private stakeholders together with public agencies to engage in consensus-oriented decision making. Thus, politicians must seek and involve experts, NGOs and mainly sex workers when designing laws and policies. Sex workers are not a homogeneous group and they have multiple sex work experiences and meanings. So sex workers from different perspectives and types (cis and trans woman and men, LGBTIQ, drug users, undocumented, migrants, people of colour and disabled) and sex worker led organizations need to be included and involved.

Avoid ambiguous policies that confound phenomena that are different

The problem with many laws is confusing different phenomena as if they were the same. The laws that conflate sex work, migration and trafficking should be removed. Regarding this, in some countries, there is clearly a confusion in the law implying that the State use trafficking laws to punish sex work. The focus of anti-trafficking laws cannot be the eradication of sex work, as it is detrimental to the identification of victims of human trafficking [9].

Make EU immigration policy less restrictive

Migrant sex workers are a considerable part of the total number of sex workers in the EU. Structural factors and conditions, such as sex work and migration policies, and sex workers' immigration status, are key factors of their vulnerability. This population faces many difficulties in accessing health services in all legal contexts. Thus, the anti-trafficking framework promoting more criminalization and migration restrictions are not helpful to either migrants or trafficked persons, but only serve to restrict women's migration [10]. Research has shown [11], [12] [13] that behind many trafficking situations there is often a migration purpose. To eliminate trafficking in persons it urges changing the restrictive migration policies that leave space for criminal networks to operate. A different European migration policy could reduce the number of people in trafficking situations. However, in the absence of more humanistic migration policies, states must ensure safe migration as a right, and guarantee the rights of all migrants, including those in sex work.

Appendices

Appendix A

References

Introduction

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4. Recommendations

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Appendix B

European Union Legislation

Criminalization of sex workers			
Country	Prostitution-related laws	Addressed to who/what?	What does the law say?
Croatia	The Act on Misdemeanors Against Public Peace and Order	Third parties	Art.7.º criminalizes using premises for prostitution and enabling or helping another person to engage in prostitution. The punishment is a fine or imprisonment up to 60 days (Institute of Development Studies, n.d.).
		Selling sex	Art.12.º criminalizes a person who engages in prostitution. The punishment is a fine or imprisonment up to 30 days (ibidem).
	Criminal Law (Chapter XVI: Criminal offences against sexual freedom)	Buying sex	Art.162.º criminalizes clients of underage persons or persons forced into prostitution, or trafficked persons, when they know or should know about these circumstances.
		Third parties	Art.157.º criminalizes organizing, inciting a person to, or abetting prostitution. The punishment is imprisonment from six months to five years. A qualified form the offense is committed by using force or threats or deceit or abusing power. Advertising of a prostitution of another person is also criminalized. Whether the person being enticed, recruited, incited or used for prostitution has consented to it and whether he or she has already engaged in such activity shall be of no relevance to the existence of the criminal offence referred to in this Article.
		Exploitation	Art.106.º (1) states that who (...) recruits, transports, transfers, harbors or receives a person, or exchanges or transfers control over a person (...) for the purpose of exploitation for prostitution of the person (...) shall be punished by imprisonment from one to ten years.
Lithuania	Code of Administrative Offences (Chapter 13: Administrative Offences, which compromises of public order)	Selling/Buying sex	Art.182.º states that prostitution or use of prostitution services incur a fine from 86 to 144 euros
	Criminal Law (Chapter XLIV: Crimes and misdemeanors against morality)	Gaining Profit from Another Person's Prostitution	Art. 307.º states that: 1) A person who gains profit from another person's prostitution or from procurator for prostitution shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years; 2) A person who organizes or controls prostitution or transports a person with his consent for prostitution to the Republic of Lithuania or from the Republic of Lithuania shall be punished by a custodial sentence for a term of up to six years.
		Involvement in Prostitution	Art. 308.º states that: 1) A person who involves a person in prostitution shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years; 2) A person who involves in prostitution a person dependent on him financially, subordinate in office or otherwise or involves a person in prostitution by using physical or mental coercion or by deceit shall be punished by a custodial sentence for a term of two up to seven years.
		Exploitation	Art.147.º states that a person who uses another person's work or services, including prostitution, while being aware or being obliged and likely to be aware that the person performs this work or provides these services as a result of using against him, for exploitation purposes (...), shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two years.
Romania	Administrative Law	Soliciting	Prostitution was decriminalized in 2014, as the new Penal code of Romania, which came into force on 1 February 2014, no longer contains such a criminal offense. Thus, solicitation is a contravention punishable by fines (Reinschmidt, 2016).
	Criminal Law (Chapter VII: Trafficking and exploitation of vulnerable persons)	Pimping	Art. 213º states that: (1) causing or aiding prostitution or profiting from prostitution property by one or more persons shall be punished with imprisonment for 27 years, and deprivation of rights; (2) When determining the start or continuation of prostitution was made under duress, punishment is imprisonment from 3 to 10 years and deprivation of certain rights; (3) If the acts are committed against a minor, special limits of the penalty shall be increased by half. (4) Maintenance of prostitution means sexual acts with individuals to obtain economic benefits for themselves or for another.
		Exploitation	Art.182.º criminalizes exploitation of persons (e.g., forced into prostitution).

Criminalization of third parties and/or clients but not sex workers			
Country	Prostitution-related laws	Addressed to who/ what?	What does the law say?
Belgium	Criminal Law (Chapter VI: Youth corruption and Prostitution)	Procuring	Art.380.º § 1, 1 and 4 punishes anyone who hires or entices a person for the purpose of prostitution to gratify the passions of others; exploits the debauchery or prostitution of others.
		Procuring with provision of premises	Art. 380.º § 1, 2 and 3 punishes for procuring anyone who keeps a bawdy house or a brothel; sells, hires, or makes available rooms or any other premises for the purpose of prostitution, with the aim of making abnormal profit.
		Aggravated procuring	Art. 380.º § 3 punishes when procuring is both committed with the use of fraudulent practices, violence, threats, or any form of constraint; and in respect of a person in a vulnerable position (due to illegal or insecure administrative status, pregnancy, illness, infirmity, or physical or mental disability).
		Public solicitation	Art.380bis punishes anyone who incites, in public space, someone to debauchery by means of words, gestures, or signs.
		Advertising	Art. 380ter prohibits advertising for the purpose of prostitution, by whatever means, even if in a vague or illusive way.
Bulgaria	Criminal Law (Section VIII: Debauchery)	Third parties	Art.155.º punishes: 1) a person who persuades an individual to practice prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, by deprivation of liberty of up to three years and by a fine of BGN 1,000 to BGN 3,000; 2) A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine of BGN 1,000 to BGN 5,000; 4) A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practicing prostitution (...) shall be punished by deprivation of liberty for five to fifteen years and by a fine from BGN 10,000 to BGN 50,000.
Cyprus	Criminal Law (Part IV: Offences against Morality; Nuisances)	Suppression of brothels	Art. 156.º Any person who: a) keeps or manages or acts or assists in the management of a brothel; b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is willfully a party to the continued use of such premises or any part thereof as a brothel, is guilty of a misdemeanor.
		Procuring	Art.157.º states that any person who: a) procures a girl or woman who is under age of 21 years old to have unlawful carnal connection with any other person or persons; b) procurers a woman or girl to be a common prostitute; c) procurers a woman or girl (...) with intent that she may become an inmate of a brothel (...) is guilty of a misdemeanor.
		Living on earnings of prostitution or persistently soliciting	Art.164 §1 states that every person who a) knowingly lives wholly or in part on the earnings of prostitution; or b) in any public place persistently solicits or importunes for immoral purposes is guilty of a misdemeanor.
		For gain prostitution of another person	Art.165.º states that every woman who is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution, is guilty of a misdemeanor.
		Selling sex	Art.180.º (a) states that every common prostitute behaving in a disorderly or indecent manner in any public place shall be deemed idle and disorderly persons, and are liable on conviction to imprisonment for one month or to a fine not exceeding five pounds or to both.

Czech	Act on Trades 455/1990	Offering and selling sex	Sec.3(3) states that “the offering or provision of services aiming directly at satisfying sexual needs” is not a trade (Havelková, 2018).
	Act on Municipalities 128/2000	Zoning	Sec.10(a) states that “A municipality can...specify that activities able to disrupt public order or breach good morality in a municipality, can only be exercised in places and at times specified by an ordinance,...or forbid them in specific spaces” (ibidem).
	Criminal Law (Chapter III: Criminal offences against hu- man dignity in sexual sphere)	Selling sex (thre- atening moral development of Children)	Sec.190(1) criminalizes practicing prostitution near a school or a similar establishment or a place assigned to stay or visit of children (up to two years’ imprisonment) Sec.190 §2 criminalizes whoever organizes, guards, or provides prostitution near a school or other similar facility (...) (up to three years’ imprisonment)
		Soliciting	Sec.189(1) states that whoever induces, arranges, hires, allures, or entices another person to practice prostitution, or whoever profits from prostitution practiced by others, shall be sentenced to imprisonment for 6 months to 4 years, prohibition of activity, or confiscation of items or other asset values.
		Forced prostitu- tion	Section 401(1) states that whoever commits within an extensive and systematic attack aimed against civilians: (...) d) forced prostitution, shall be sentenced to imprisonment for 12 to 20 years or to an exceptional sentence of imprisonment.
Denmark	Criminal Law (Chapter 24: Sexual Offences)	Third Parties	§228 (1) Any person who 1) induces another to seek a profit by sexual immorality with others; or 2) for the purpose of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up; or 3) keeps a brothel; shall be guilty of procuring and liable to imprisonment for any term not exceeding four years. §228 (2) The same penalty shall apply to any person who aids or abets a person under the age of 21 to engage in sexual immorality as a profession, or to any person who partakes in conveying some other person out of the country in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of 21 or is, at the time, ignorant of the purpose.
			§229 (1) Any person who, for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to a fine. (2) Any person who lets out a room in a hotel or inn for the carrying on of prostitution as a profession shall be liable to imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.
		Exploitation	§262a states (1) Any person who recruits, transports, transfers, houses or subsequently receives a person, using or following the use of (...) for the purpose of exploitation of the individual through sexual immorality, shall be guilty of trading in human beings and liable to imprisonment for any term not exceeding eight years.
Estonia	Criminal Law (Division 6: Offences against Liberty)	Pimping	§ 133 ² states that: (1) Organization of a meeting of a person engaged in prostitution with a client, owning, managing of a brothel, aiding of prostitution or renting of premises for keeping a brothel, or influencing of a person to cause him or her to commence or continue prostitution, if the act does not contain the necessary elements of an offence provided for §§ 133 or 133 ¹ of this Code, is punishable by a pecuniary punishment or up to five years’ imprisonment; (3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.
		Aiding prostitu- tion	§ 133 ³ states that: (1) knowing aiding of prostitution if the act does not contain the necessary elements of an offence provided for §§ 133, 133 ¹ or 133 ² of this Code, is punishable by a pecuniary punishment or up to three years’ imprisonment; (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

Finland	Criminal Law	Pandering	Art.563/1998, §9 criminalizes acts of a person who, for profit, 1) provides a room or other facilities for prostitution, 2) accommodates a person engaging in and promoting a sexual act against payment, 3) provides contact information of, or markets another person engaging in, a sexual act against payment, 4) otherwise takes advantage of another person engaging in such an act, 5) tempts another person to engage in such an act.
		Aggravated pandering	Art.650/2004 “considerable financial benefit is sought; the offense is committed in a particularly methodical manner”.
		Forced into prostitution	Section 3 (212/2008) states that who forces him or her into prostitution shall be sentenced for a crime against humanity to imprisonment for at least one year or for life.
	Public Order Act	Endangering public order and security and causing disturbance	Art.612/2003, §7 Prohibits the purchase or offering of sexual services against payment in a public place.
	Aliens Act	Removing aliens from the country	Art.301/2004, §148 states that a non-EU or non-EFTA citizen may be deported or refused entry into the country if there are reasonable grounds to suspect that she/he may sell sexual services (Vuolajärvi et al., 2018).
France	Educational Law	Prevention of prostitution activities and of recourse to prostitution	Art. L 312-17-1-1 states that information about the realities of prostitution and the dangers of body commodification is provided in secondary schools.
	Criminal Law	Procuring	Art.225-5 punishes anyone who: 1) helps, assists, or protects the prostitution of others; 2) makes a profit out of the prostitution of others; 3) hires or corrupts a person for the purpose of prostitution.
		Other acts assimilated to procuring	Art.225-6 states the following offenses relating to procuring: 1) acting as an intermediary between two persons, one of whom engaged in prostitution and the other who exploits or remunerates the prostitution of others; 2) facilitating the justification of a procurer's fictitious resources; 3) being unable to account for an income compatible with one's lifestyle while entertaining a relationship with a person engaged in prostitution; 4) obstructing operations of prevention, control, or assistance undertaken by institutions qualified to deal with persons engaging in prostitution.
	Law 2016-444 of April 13, aimed at strengthening the fight against the prostitution system and supporting prostitutes	Buying sex	Art. 20.º amended Art. 611-1 of Criminal Code. The new law states that the fact of soliciting, accepting or obtaining relations of a sexual nature from a person who engages in prostitution, including occasionally, in exchange for remuneration, a promise of remuneration, the provision of a benefit in kind or the promise of such a benefit is punished with the fine provided for fifth class contraventions.
			Art.21.º of the same law amends Art.131-16 and 225-20 of the Criminal Code. Thus, the new law states the creation of a supplementary penalty, consisting of the obligation to complete an awareness course on the subject of combatting the purchase of sex acts.

Ireland	Criminal Law (Sexual Offences) Act 1993	Selling sex	Art.7.º states that soliciting or importuning for purposes of prostitution shall be guilty of an offence and shall be liable on summary conviction to a fine. Art.8.º states the following: (1) A member of the Garda Síochána who has reasonable cause to suspect that a person is loitering in a street or public place in order to solicit or importune another person or other persons for the purposes of prostitution may direct that person to leave immediately that street or public place; (2) A person who without reasonable cause fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine; (3) It includes loitering in a motor vehicle.
		Third parties	Art.9.º punishes the activity of organizing prostitution, Art.10.º the living on earning of prostitution and Art.11.º the brothel keeping, all with a fine or to imprisonment.
	Criminal Law (Sexual Offences) Act 2017	Buying sex	Part 4, Section 7A (1) states that a person who pays, gives, offers or promises to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity with a prostitute shall be guilty of an offence (subject to a fine).
		Selling sex	Part 4 also increases the fines and imprisonment for loitering and brothel keeping.
Italy	Law n° 75/58 (the “Merlin Law”)	Offenses related to prostitution	It abolishes state regulationism. Art. 7 forbids to impose any kind of record-keeping or health treatment. Although prostitution is not a crime, under Art. 3º of this law, a number of offenses linked to the activity of prostitution are criminalized, such as renting for use as a brothel, recruitment or facilitation, procuring, aiding and abetting (Crowhurst et al. 2018).
	Law against Slavery and Trafficking in Persons (228/2003)		Rarely applied to the exploitation of prostitution. Art.13.º could provide special assistance to exploited migrant sex workers (ibidem).
	Law n° 94/2009	Dispositions in matters of public security	Provides special powers to mayors – often used to issue anti-street prostitution administrative ordinances (ibidem).
Luxembourg	Criminal Law (Chapter VI: Crimes and misdemeanors against the order of families and against public morality)	The exploitation of prostitution and pimping	Art. 379bis states that will be punished by imprisonment of six months to three years and a fine of 251 euros to 50,000 euros: 3§ Anyone who owns, directly or through an intermediary, manages, directs or operates a prostitution house; 4§ Any (...) person who sells, hires or makes available to others or tolerates the use of all or part of a building, knowing that the premises sold, rented or placed available are used for the exploitation of the prostitution of others; 5§ The pimp. A pimp is a person who a) knowingly helps, assists or protects the prostitution of others or soliciting for the purpose of prostitution; (b) who in any form shares the avails of the prostitution of others or receives subsidies from a person engaged in prostitution; c) who engages, trains or maintains, even with his consent, a person, even of full age, with a view to prostitution or delivers him to prostitution or debauchery; (d) who acts as an intermediary, in any capacity whatsoever, between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others; e) who, by threat, pressure, maneuver or by any other means obstructs the preventive, control, assistance or re-education action undertaken by qualified organizations in favor of persons engaged in prostitution. The attempt of the facts set out in number §5 will be punished by imprisonment of three months to two years.
Malta	White Slave Traffic (suppression) Ordinance Chapter 63	Living on the earnings of prostitution	§7 (1) Any person who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person, shall be liable, on conviction, to imprisonment for a term not exceeding two years: Provided that where that other person has not attained the age of eighteen years, the offence shall be punishable with imprisonment for a term from eighteen months to four years. (2) Any person who in any street or other public place or in any place exposed to the public loiters or solicits for the purpose of prostitution or for other immoral purposes, shall be liable, on conviction, to imprisonment for a term of not more than six months.
		Keeping brothels	§8 (1) Whoever shall keep or manage or share with others in the management of a brothel or of any house, shop or other premises or any part thereof which is or are, or is or are reputed to be resorted to for the purpose of prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding two years and to a fine not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87). (2) Whoever knowingly lets for hire or permits the use or shares in the profits of any vehicle used for the purpose of prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding six months and to a fine not exceeding 116.47€
		Use of shop, etc., for the purpose of prostitution	§9 Whoever keeps any shop, lodging-house or hotel or any private apartment and suffers or permits such shop, lodging-house, hotel or apartment or any part thereof to be used as a place of assignation for the purpose of prostitution or any other immoral purpose shall be liable, on conviction, to imprisonment for a term from one to six months.

		Punishment for letting house, etc., for the purpose of prostitution	§10 Whoever owns or has under his administration any house or other premises and knowingly lets or permits the use of the same for the purpose of prostitution or other immoral purposes, shall be liable, on conviction, to imprisonment for a term from one to six months.
		In case of failure to take steps to eject person from premises used for immoral purposes	§12 (1) Whoever, after due notice in writing has been given to him by the Commissioner of Police that a house or other premises owned or administered by him, is or are used for the purpose of prostitution or other immoral purposes, fails, within six working days, to take the necessary steps before the competent court for the ejection therefrom of the person or persons occupying the same and to prosecute the proceedings with due diligence shall be liable to a fine in terms of the Criminal Code
Portugal	Criminal Law	Procuring	Art. 169.º criminalizes those who, professionally or for profit, promote, encourage, or facilitate the exercise of prostitution by another person.
Poland	Criminal Law (Chapter XXV: Offences against Sexual Liberty and Decency)	Third Parties	Art.204 § 1. Whoever, in order to derive a material benefit, induces another person to practice prostitution or facilitates it, shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. Whoever derives material benefits from prostitution practiced by another person shall be subject to the penalty specified in § 1. § 3. If the person specified in § 1 or 2 is a minor, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years. § 4. The punishment specified in § 3 should be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad.
		Subjects another person to practice prostitution	Art. 203.º states that whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.
Slovakia	Criminal Law (Chapter 9: Criminal Offences against Other Rights and Freedoms)	Procuring and Soliciting Prostitution	§367 states that: (1) Any person who hires, solicits, seduces, exploits, elicits or offers another to engage in prostitution, or who profits from the proceeds of someone else's prostitution, or enables prostitution to be practiced, shall be liable to a term of imprisonment of up to three years. (2) The offender shall be liable to a term of imprisonment of one to five years if he commits such offence acting in a more serious manner. (3) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1 against a protected person. (4) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1, a) and obtains substantial benefit for himself or another through its commission, b) as a member of a dangerous grouping, or c) against a person under fifteen years of age. (5) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1 and causes grievous bodily harm or death through its commission.
Slovenia	Law on Protection of Public Order and Peace	Selling sex	Art.7.º, Indecent Behavior: it penalizes, with a fine, the offering of sexual services in public spaces if it is done in an intrusive way and disturbs anybody, provokes disquiet or indignation in others.
	Criminal Law	Exploitation through Prostitution	Art. 175.º (1) states that whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be given a prison sentence of between three months and five years.
Spain	Organic Law 4/2015 about protection and public safety	Buying sex	Art. 36.11 penalizes the request and acceptance of paid sexual services when they occur in public areas nearby places intended to be used by minors, such as educational centers, playgrounds or parks, or when these behaviors, wherever they occur, can create a risk to road safety.
	Organic Law 11/2003	Exploitation	It includes the trafficking of persons for sexual exploitation as crimes against immigrants' rights.
	Organic Law 11/1999		Regulates penalization with 2 to 4 years in prison for those who force others into prostitution.
Sweden	Criminal Law	Buying sex	Art.11 states that a person who obtains casual sexual relations in return for a payment, is guilty of purchase of sexual services and is sentenced to a fine or imprisonment for at most one year. This also applies if the payment was promised or made by another person.
		Procuring	Art.12 prohibits the promotion or improper financial exploitation of casual sexual relations for payment of another person.
	The Land Code, 1970:994 (Chapter 12: Rent)	Selling sex	Section 42 (9) states that if the unit is used (...) for casual sexual relations in return for payment, the tenancy is forfeited, and the landlord entitled to repudiate the agreement.
	Aliens Act, 2005 (Chapter 8: Refusal of entry and expulsion)		Section 2 mandates authorities to refuse noncitizens (apart from citizens of EEA member states) entry into Sweden if it can be assumed that they will not support themselves by "honest means".
	Tax Law		Makes no exception for revenue from prostitution (Østergren, 2018).

Regulated			
Country	Prostitution-related laws	Addressed to who/ what?	What does the law say?
Austria	Health Law	Selling sex	Orders anyone to undergo a health check (including checking for sexual transmitted infections) before engaging in prostitution and to repeat a health check every six weeks (Skruczny, 2015).
	Tax Law	Third parties	All income, including criminal, is subjected to tax (Amesberger et al., 2018).
	Criminal Law		Prohibits the use of violence, threats, abuse of vulnerability, or other improper behavior in order to exploit a person into prostitution (Amesberger et al., 2018).
	Social Security Law	Selling sex	Orders everyone, whether employed or self-employed, to have social insurance (Amesberger et al. 2018).
	Aliens' Police Act, 2005	Selling sex	Non-EU and non-EEA citizens need a specific work visa for any self-employed work, including sex work. The access to the labor market by asylum seekers is very limited. They can start as self-employed worker three months after their application for asylum.
Germany	Prostitution Law (ProstG)	Selling sex	§1 regulates the enforceability of a civil law demand in the field of sex work; §2 regulates the non-assignability of this demand and limits the opportunities for objections and dissents; §3 regulates the possibility of limited right of direction with dependent employment (Hunecke, 2018)
	Criminal Law	Exploitation of workforce	§180a regulates the ban of personal or economic dependance between operators and sex workers. §181a ban of the sexual exploitation or supervision on account of own property gain, also with spouses. §184e and §184f regulate bans for certain places where sex work is prohibited.
Greece	Law 2734/1999 on Sex workers and other provisions	Selling sex	Provides the Prefecture with power to control health conditions in order to give the person in prostitution license to exercise the profession (Maratou, Alipranti & Rethimiotaki, 2018).
			Provides the Municipality with power to check if the place where sexual services are offered is suitable according to the conditions it imposes (ibidem).
			Provides the police with power to perform identity controls, to remove unwanted persons from areas, and to close down illegally operating houses (ibidem).
			All income is subjected to tax. Persons in prostitution are considered free professionals. However, there are no provisions for pension funds and medical care as for other free professionals (ibidem).
	Criminal Law	Third Parties	Art. 349 §3 prohibits dissemination, facilitation, provision, supply, recruitment, and procuring.
Hungary	Criminal Law	Sexual exploitation	Section 196: (1) (1) Any person who forces another person to perform or tolerate sexual activities is guilty of a felony punishable by imprisonment between one to five years.
		Pandering	Section 200: (1) Any person who solicits a person for sexual activities for another person for financial gain is guilty of a felony punishable by imprisonment not exceeding three years. (2) Any person who offers or solicits a person under the age of eighteen years for prostitution shall be punishable in accordance with Subsection (1) for pandering. (3) The penalty shall be imprisonment between one to five years if pandering is committed on a commercial scale. (4) The penalty shall be imprisonment between two to eight years if pandering as defined in Subsection 1 is committed: a) against a person under the age of eighteen years; b) by a family member or against a person who is in the care, custody or supervision of such family member, or if abuse is made of a recognized position of trust, authority or influence over the victim; c) by deception, by force or by threat of force. (5) The penalty shall be imprisonment between five to ten years if Paragraph c) of Subsection 4 also applies to pandering as under Paragraph a) or b) of Subsection 4. (6) Any person who conspires to engage in the crime of pandering on a commercial scale is punishable by imprisonment not exceeding three years.
		Procuring	Section 201: (1) Any person who: a) persuades another person to engage in prostitution; b) makes available a building or another place for another person to engage in prostitution; c) provides assistance for the prostitution of a person under the age of eighteen years; is guilty of a felony punishable by imprisonment not exceeding three years; (2) The penalty shall be imprisonment between one to five years for persuading a person under the age of eighteen years to engage in prostitution; (3) Any person who maintains or operates a brothel, or provides material assistance for the operation of a brothel is punishable by imprisonment between one to five years.

		Living on Earnings of Prostitution	Section 202 states that any person who supports himself wholly or in part from the earnings of a person engaging in prostitution is guilty of a felony punishable by imprisonment not exceeding three years.
		Indecent Exposure	Section 205: (1) Any person who exposes him/herself before another person in an indecent way for arousing or for the satisfaction of his/her sexual desire is guilty of a misdemeanor punishable by imprisonment not exceeding two years; (2) Any person over the age of eighteen years who exposes him/herself before another person under the age of fourteen years in an indecent way for arousing or for the satisfaction of his/her sexual desire is guilty of a felony punishable by imprisonment not exceeding three years, insofar as the act did not result in a more serious criminal offense; (3) Insofar as the act does not result in a more serious criminal offense, any person who exposes him/herself before another person in an indecent way shall be punishable in accordance with Subsection 1 if such conduct violates the victim's dignity.
		Prohibition from Residing in a Particular Area	Section 206 Prohibition from residing in a particular area may be imposed against any person found guilty of the exploitation of child prostitution, procuring for prostitution or sexual act, living on earnings of prostitution or indecent exposure.
Latvia	Cabinet Regulation No. 32 Regarding Restriction of Prostitution (2008)	Selling sex	(1). This Regulation prescribes the procedures by which prostitution shall be restricted. (2). A person who does not have a health card is prohibited to be engaged in prostitution. A person who is engaged in prostitution shall be issued a health card by a dermatologist or venereologist after the initial health examination. (3). A person is allowed to offer or provide sexual services for fee only in a living space which is his or her property or regarding which he or she has entered into a rental contract. (4). A person is prohibited to offer or provide sexual services for fee, as well as to receive such services in the living space referred to in Paragraph 3 of this Regulation: if it is located less than 100 meters from an educational institution or church; if a minor is present therein; or if other persons living in this space or house where the room is located, object against it. (...) (6). Persons are prohibited to join in groups in order to offer and provide sexual services for fee, as well as to receive orders for the provision of sexual services for fee. (7). The managers of entertainment and recreational establishments shall ensure that sexual services for fee are not offered, provided and received in these establishments. (8). A person shall have his or her health examined by a dermatologist or venereologist once a month. (...) (11). It is prohibited to offer and advertise sexual services in the Internet, press and other mass media (except for issues of erotic nature), as well as via other persons. (12). Any activity of the third person which promotes prostitution is prohibited. (13). A person, upon the request of a client, shall present a health card.
	Criminal Law (Chapter XVI: Criminal Offences against Morality and Sexual Inviolability)	Establishment, maintenance, management and financing of brothel	Section 163.1 states that for a person who establishes, maintains, manages or finances a brothel (illegal place for organizing and provision of prostitution services), the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.
		Involvement of a Person in Prostitution and Use of Prostitution	Section 164.1 states that for a person who commits involvement of a person in prostitution, the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.
		Living on the Avails of Prostitution	Section 165.1 states that for a person who commits taking advantage, for the purpose of enrichment, of a person who is engaged in prostitution, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.
		Sending a Person for Sexual Exploitation	Section 165.1 (1) states that who commits sending a person with his or her consent for sexual exploitation (...) the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.
The Netherlands	Municipalities Act, 2013	Prostitution	Provides municipalities with the power to regulate prostitution. Section 151a states that the council may adopt a by-law containing regulations governing the provision on a commercial basis of the opportunity to perform sexual acts with or for a third party in exchange for payment. Municipal by-laws (Altink, et al 2018): Regulates street and home-based prostitution. Prohibits street prostitution and/or designate specific zones where street prostitution is allowed. Provides the police with the power to remove street workers from areas where street prostitution is not allowed. Prohibits home-based prostitution and/or defines the conditions under which home-based prostitution is allowed (e.g., no, or only limited, advertising). Provides the police with the authority to enter homes of sex workers without their permission to check on the suspicion of unauthorized sex work or trafficking and impose fines or other sanctions. Prohibits operating a brothel/sex establishment without a license and provides detailed sets of rules sex businesses have to meet.

	Employment of Aliens (WAV)		Decree n.º 3 forbids to issue a work permit for the sex industry.
	Tax Law		Income from sex work is subjected to income tax (Altink, et al., 2018).
	Royal Order on the exception on a fictitious employment relation (2009)	Labor relations	Regulates labor relations in clubs and private houses through the so-called opting-in system (the operator subtracts taxes from the income of the sex worker and pays these to the state).
			Since 2015, it is also allowed to work in clubs on a self-employed basis under strict conditions.
	Criminal Law	Exploitation	Section 273f (2) includes exploitation of another person in prostitution.

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Appendix C

Systematic review methods

Methods

Our systematic review was designed using the Preferred Reporting Items for Systematic reviews and Meta-Analyses (PRISMA) guidelines [1] and the Johanna Briggs Institute guidelines for mixed methods systematic reviews [2]. Mixed methods reviews can provide practical and comprehensive information about complex phenomena capable of informing policies in a rigorous manner [3],[4].

Search strategy and inclusion criteria

A systematic search of peer-reviewed research articles and grey literature was conducted. Grey literature (evidence not published in commercial publications, such as academic papers, research reports, or conference papers) can make important contributions to systematic reviews by reducing publication bias, increase reviews' scope and provide a more comprehensive view of the evidence available [5]. Databases such as PsychINFO, Web of Science, Scopus, Psychology and Behavioral Sciences Collection, Academic Search Ultimate and Sociology Search ultimate were searched for quantitative, qualitative and mixed-methods peer reviewed studies. The search was limited to studies in English, Portuguese, French and Spanish, published between 2000 and 2020. Sources of unpublished studies and grey literature included Open Grey, Google Scholar, Research for sex work, Open Society Foundation and TAMPEP websites. The text words contained in the titles and abstracts of relevant articles were used to develop a full search, and reference lists of relevant studies were hand searched for additional published or unpublished work. The full list of search terms and keywords can be found in the original study. This review considered studies that included adult cis and transgender sex workers, who receive money or goods in exchange for consensual sexual services, and investigated associations between European Union member states' legal frameworks and sex workers' experiences and perceptions concerning health (which includes access to healthcare, physical and mental health), safety (including multiple forms of violence, social stigma and police protection) and living and working conditions in EU countries between 2000 and 2020. Potentially relevant studies were retrieved in full, assessed in detail against the inclusion criteria by two reviewers and any disagreements were resolved through discussion in deliberation sessions. All studies were assessed for methodological quality using the Mixed Methods Appraisal Tool (MMAT) [6] and grey literature was critically appraised using AACODS [7].

Data extraction and analysis

Data extracted from the reviewed articles included specific details about context, legislative model, participants, methodology, methods, aim of the study, description of significant findings and relevant conclusions relating to the review questions. This review uses a basic convergent qualitative meta-integration approach to data synthesis and integration, which involved the transformation of quantitative data into qualitized data, through narrative interpretation of the quantitative results so as to respond directly to the review questions. This method has been developed in order to deliver readily usable synthesized findings to inform decision making at the clinical or policy level [8]. All papers were subject to thematic analysis [9], which involved a hybrid deductive inductive approach [10], through the development of an initial template of three broad categories (Health, Safety and Living and Working Conditions) based on the research questions and subsequent coding. Within each theme, attention is paid to patterns related to legal frameworks. The analysis process and integration of findings was conducted in four stages using an iterative process, which ensured the final synthesis was based on results from all types of studies and grey literature in order to create new insights and knowledge [4].

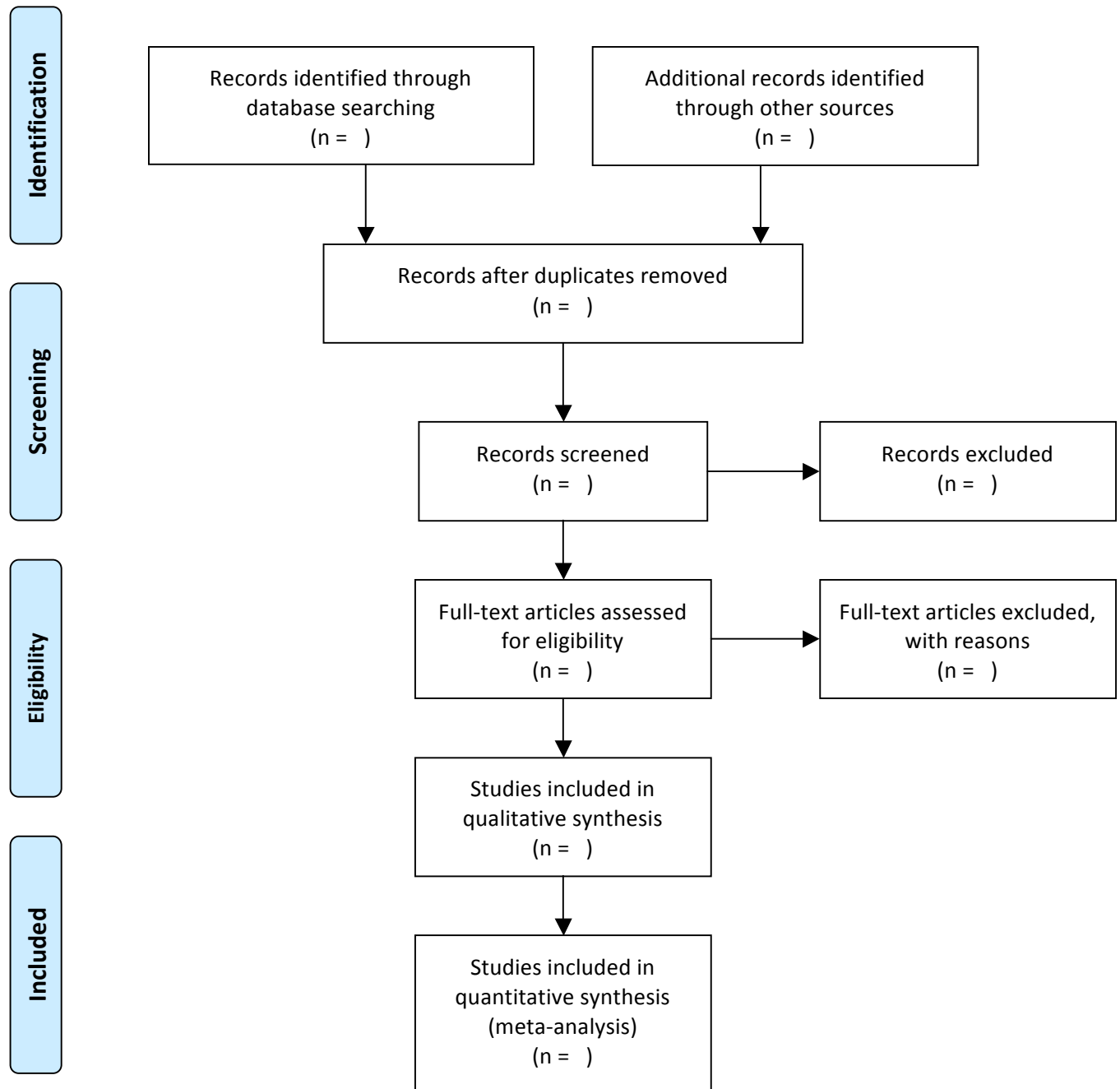
Summary of Included Studies

From a total of 1195 records identified, 30 were included in the review. Eighteen studies (n=18) were included in the synthesis of peer-reviewed literature (seven quantitative, nine qualitative, two mixed-methods studies) and twelve (n=12) records were included in the synthesis of grey literature (Appendix 4). The peer reviewed articles covered 19 EU countries (Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Spain, Slovenia, Sweden, Ukraine) (Appendix 5). As for grey literature, the papers covered 24 countries of the EU (Austria, Belgium, Bulgaria, Czech Republic, Denmark, Greece, Estonia, Finland, France, Germany, Hungary, Italy, Lithuania, Latvia, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and Ukraine). One of the records included in grey literature synthesis had a global scope (Appendix 6). None of the included literature focused on Ireland or Malta. As for the type of legal frameworks represented in this review, the studies are diverse: 14 peer reviewed studies represented partial criminalization (without criminalizing sex workers), two studies represented regulation and another three studies represented almost full criminalization of sex work (including sex workers). The included literature was also diverse in scope: seven peer reviewed studies examined the relation between policy and living and working conditions, two studied policy and trafficking or forced work, three examined specifically the effects of the Nordic model on lives of sex workers, four studied structural factors related to health (physical and/or mental), one compared attitudes towards sex work in different legal frameworks and one economic model compared sex work supply and demand under multiple regimes. Within the three main themes (Health, Safety and Living and Working Conditions), the following core categories were identified: Restricted access to healthcare, Increased physical health risks and Increased mental health risks (Theme 1); Relationship with police and access to Justice, Increased financial, physical and sexual violence, Risks and inequalities related to stigma (Theme 2); and Changes in working conditions and spatial displacement and Social inequalities and isolation (Theme 3).

Appendix D



PRISMA 2009 Flow Diagram



From: Moher D, Liberati A, Tetzlaff J, Altman DG, The PRISMA Group (2009). Preferred Reporting Items for Systematic Reviews and Meta-Analyses: The PRISMA Statement. PLoS Med 6(7): e1000097. doi:10.1371/journal.pmed1000097

For more information, visit www.prisma-statement.org.

Appendix E

Table of peer reviewed studies and MATT score

Author (s), year, MATT score	Context	Legislative model	Sample/ Participants	Methodology	Method
Boels, 2015 *****	Belgium	Partially Criminalized	22 Sex workers and 16 regulators, enforcers and social workers	Qualitative	Semi-structured interviews, document analysis
Constantinou, 2016 *****	Cyprus	Partially Criminalized	1 103 Police intelligence records	Quantitative	Univariate statistical data analysis
Güven-Lisaniler et al., 2005 *****	Cyprus	Partially Criminalized	16 female migrant sex workers, 1 Owner of club, 1 Member of house of representatives	Qualitative	Structured interviews, document analysis (newspaper reports, government data)
Immordino & Russo, 2015 *****	Italy, others	Partially Criminalized	---	Quantitative	Economic model; numerical analysis.
Jonsson & Jakobsson, 2017 ****	Spain, Netherlands, France, Germany, Sweden, Denmark, other	Partially Criminalized/ Regulated	16,948 respondents across 8 UE countries	Quantitative	Cross-sectional, Internet-based survey
Levy & Jakobsson, 2014 *****	Sweden	Partially Criminalized	Interviews: 22 cis female SW, 2 male SW, 2 transgender SW and 4 sex workers' clients + 124 survey respondents (SW)	Mixed Methods	Ethnography. Participant observation, qualitative interviews, Grounded theory categorization + Internet-based survey.
Rios-Marin, 2016 *****	Spain	Partially Criminalized	7 female SW (Brazil, Colombia, Spain, Equatorial Guinea, Morocco, Nigeria and Romania (In-depth interviews) + 895 Female SW (Structured interviews)	Qualitative	Ethnography (2009-2012). Participant observation, Structured and In-depth interviews.
Oso, 2016 *****	Spain	Partially Criminalized	2000-2001: 50 female SW (34 Colombians, 6 Brazilians, 6 Ecuadorians, 2 Dominicans, 1 Argentinean, and 1 Venezuelan); 6 business owners; 11 clients of brothels and in-call flats; and 15 key informants in contact with SW (NGO workers, doctors) + 2014-2015: 7 Migrant SW	Qualitative	In-depth interviews, Content analysis
Pajnik & Radacic, 2020 *****	Croatia, Slovenia	Fully criminalized/ Partially Criminalized	15 Sex workers (8 Female, 1 Male SW from Ljubljana) and 6 Female SW from Zagreb, Rijeka and Split)	Qualitative	Semi-structured interviews, content analysis.
Reeves, et al., 2017 *****	Germany, Belgium, Bulgaria Czech Republic, Estonia France, Italy, Latvia, Poland, Portugal, Spain, Sweden, Lithuania, Romania, Ukraine, other	Fully criminalized/ Partially Criminalized /Regulated	Data from 27 European countries on HIV prevalence among sex workers	Quantitative	Cross-sectional, ecological linear regression models

Rios-Marín and García-Cano Torrico, 2017 *****	Spain	Partially Criminalized	7 female SW (Brazil, Colombia, Spain, Equatorial Guinea, Morocco, Nigeria and Romania (In-depth interviews) + 895 Female SW (Structured interviews)	Qualitative	Ethnography (2009-2012). Participant observation, Structured and In-depth interviews.
Villacampa & Tones, 2013 *****	Spain	Partially Criminalized	79 Sex workers	Mixed Methods	Questionnaire and in-depth, semi-structured interviews
Krumrei-Mancuso, 2017 ****	Netherlands	Partially Criminalized	88 female participants aged 20 through 70 years who engaged in prostitution	Quantitative	Cross-sectional; Survey
Vuolajärvi, 2019 *****	Sweden, Finland, Other	Partially Criminalized	195 participants (113 SW, 82 social and healthcare workers, state officials, and police)	Qualitative	Ethnography (2012-2018). Participant observation, semi-structured interviews
Vanwesenbeeck, 2005 *****	Netherlands	Regulated	96 Female indoor sex workers	Quantitative	Questionnaire +semi-structured interviews;
Tokar et al., 2020 *****	Netherlands,	Regulated	36 key stakeholders (key stakeholders who worked with migrants/Cis Female SW and migrant SW)	Qualitative	Semi-structured interviews, in-depth interviews and field observations (2015-2017).
Oliveira & Fernandes, 2017 *****	Portugal	Partially Criminalized	108 women, men and transgender street SW (Field observation) + 28 female SW and 4 Female Transgender SW (Interviews)	Qualitative	Ethnography. Participant observation (2004-2005). In-depth interviews.
Sonnabend & Stadtmann, 2019 *****	Sweden and others	Partially Criminalized	---	Quantitative	Economic model

Appendix F

AACODS checklist results for all grey literature

Author/Context	Document type	Context	Type of study	Authority	Accuracy	Coverage	Objectivity	Date	Significance
Aidsfonds, 2018	Research Report	Netherlands	Mixed Methods	✓	✓	✓	✓	✓	✓
Amnesty International (2016)	Policy Report	Global	-	✓	✓	✓	✓	✓	✓
Global Alliance Against Traffic in Women (GAA-TW), 2018	Research Report	Spain	Qualitative	✓	✓	✓	✓	✓	✓
Global Network of Sex Work Projects (NSWP), 2018	Policy Brief	France, Sweden	-	✓	✓	✓	✓	✓	✓
Levy, J., 2013	Conference paper	Sweden	Mixed Methods	✓	✓	✓	✓	✓	✓
Le Bail et al., 2019	Research Report	France	Mixed Methods	✓	✓	✓	✓	✓	✓
Sex Worker's Rights Advocacy Network (SWAN), 2009	Research Report	Bulgaria, Czech Republic, Latvia, Lithuania, Poland, Slovakia, Ukraine	Qualitative	✓	✓	✓	✓	✓	✓
TAMPEP, 2010	Research Report	Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain	Quantitative	✓	✓	✓	✓	✓	✓
INDOORS (2014)	Research Report	Austria, Bulgaria, Finland, France, Germany, Italy, Netherlands, Portugal, Spain	Quantitative	✓	✓	✓	✓	✓	✓
TAMPEP (2007)	Research Report	Bulgaria, Czech Republic, Germany, Lithuania Poland, Romania, Ukraine, Denmark, France	Quantitative	✓	✓	✓	✓	✓	✓
TAMPEP (2009)	Research Report	Austria, Belgium, Bulgaria, Czech Republic, Denmark, Greece, Estonia, Finland, France, Germany, Hungary, Italy, Lithuania, Latvia, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, others	Mixed Methods	✓	✓	✓	✓	✓	✓
TRANSCRIME (2005)	Research Report	Austria, Belgium, Czech Republic, France, Germany, Italy, Lithuania, Poland, Spain, Sweden and The Netherlands	Mixed Methods	✓	✓	✓	✓	✓	✓