

Legal Responses to Trafficking in Women for Sexual Exploitation in the European Union

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Book review by Sally Ramage

Argument: Sexual services is a commodity

This book essentially argues that sexual services by prostitutes is a commodity and such working as prostitutes in the EU should be lawful under the EU Freedom of Movement but that it is not. The author says:

‘The lack of will to engage in any debate over whether or not the Union should play a role in addressing demand for sexual services is actually a manifestation of a broader problem. To say this is not to claim that the European Union is the problem rather than the solution as far as trafficking in women for sexual exploitation is concerned; rather we have to recognise the multiple ways in which the European Union is part of the problem in order to conceive of ways of making it a part of the solution as well’.

Framework Decision 2002/629/JHA, [2002] OJ L 203/1 largely reflects the United Nations’ Trafficking Protocol and Article 3 of the UN Trafficking Protocol states:

‘Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’

Paragraph 2 of the EU Council Framework Decision 2002/629/JHA simply copies the UN Trafficking Protocol, Article 3(b) on consent but the EU Council Framework Decision introduces additional provisions such as the demand for sanctions against trafficking to be effective, proportionate, minimum, and maximum penalties.

UN Trafficking Protocol

The United Nations Trafficking Protocol established the first internationally agreed definition of the crime of trafficking in humans but this book averts itself from the criminality of trafficking. Throughout the book, the term irregular immigration is used, rather than illegal immigration. It concentrates on the “freedom” of movement and states in Chapter 3:

‘Freedom after all, is a central and cross-cutting feature of European integration, whereas victims of trafficking are in some ways the personification of the un-free...’.

The author claims that trafficking is rarely extended to address the working of the Internal Market of the European Community. Yet, earlier parts the book state that

prostitutes are not necessarily passive victims of a patriarchal society and that prostitution is not always inherently exploitative, it can also be well paid. The writer argues that expansion of sex industries in many countries is not due to natural male urges, but as in any market, to sex business entrepreneurs who actively create and expand the demand for an ever-widening range of 'sexualised' services.

Prostitution in EU countries

In examining prostitution in EU countries, the writer admits that Sweden has criminalised prostitution whereas in the Netherlands the ban on brothels was lifted in the year 2000. The writer missed a strong point in her argument by ignoring Germany where legalisation of prostitution is being considered and, as if the UK were not a member of the EU, the writer side-lined the UK situation altogether, (in the book, *Wicked beyond Belief* by Michael Bilton, (pg 306), he wrote that, in searching for the Yorkshire Ripper who murdered prostitutes some decades ago, police details of all known men regularly visiting prostitutes in West Yorkshire and Manchester alone, revealed that 21,000 males were "punting" prostitutes in one 18-month period alone.) thereby missing a strong argument to support the thesis.

One million trafficked prostitutes globally

There are 900,000 to 1,000,000 trafficked prostitutes in the world, according to statistics by the US State Department. It would have been enlightening for the writer to tell us approximately how many of these are trafficked to the EU, as this would have strengthened this hypothesis that the EU should view trafficking under the Freedom of Movement of workers. The writer did however acknowledge that the service industries, especially the feminised sectors of care and domestic work, which absorb a large proportion of female migrants, are typically associated with informality and irregularity of working conditions.

I think that this academic exploration into trafficking of women for prostitution is a welcome addition to the list of scarce writings on the subject and will contribute to the debate.

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