



**NETZWERK GEGEN
SEXUELLE AUSBEUTUNG
IN DER PROSTITUTION**

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FAQ

WHAT IS PROSTITUTION?

The Federal Council describes prostitution as follows: «In criminal law, prostitution is understood to mean the occasional or professional providing and making available of one's own body to any person with the aim of sexual gratification in return for money or services that can be valued in money. Three characteristics must be met: 1. one's own body is involved. 2. a sexual service is provided, whatever its nature. 3. the relationship is one of exchange. A sexual service is provided with one's own body because the client has promised remuneration in exchange.

Source: Prostitution and trafficking in human beings for the purpose of sexual exploitation. Federal Council report in response to postulates 12.4162 Streiff-Feller, 13.3332 Caroni, 13.4033 Feri and 13.4045 Fehr.

<https://www.ejpd.admin.ch/dam/fedpol/en/data/kriminalitaet/menschenhandel/ber-br-prost-mh-e.pdf.download.pdf/ber-br-prost-mh-e.pdf> (Accessed 15.02.2024).

WHY DON'T WE TALK ABOUT «SEX WORK»?

We always talk about prostitution and never about «sex work» for three reasons:

1. Consensual and non-consensual sexual services cannot be clearly differentiated. Payment does not automatically imply that sexual services are consensual. It is questionable to which extent self-determination can exist in prostitution, in the context of selling sex under market conditions.
2. The serious physical and psychological consequences for women and men in prostitution are one of the reasons why the sex industry cannot be equated with other industrial sectors.
3. The term «sex work» suggests that the sex industry is one industry among others and that it operates independently of gender equality within a society. «Prostitution» allows for the view that it is a system that is based and reproduced by patriarchal structures.

WHICH DATA EXIST ON PROSTITUTION IN SWITZERLAND?

Precise data does not exist. According to estimates, between 13,000 and 20,000 women are in prostitution in Switzerland. Of these around 85% are migrants. 350,000 men buy sex at least once a year. The annual turnover of the sex trade in Switzerland is around CHF 1 billion.

HOW IS PROSTITUTION REGULATED IN SWITZERLAND?

In Switzerland, prostitution is regulated at the federal level by the following articles of the Criminal Code:

- Art. 195 PC – Encouragement to prostitution.
- Art. 196 PC – Sexual acts with minors in return for payment.

The regulation of the prostitution trade is subject to the cantons.

WHO CAN ENGAGE IN PROSTITUTION IN SWITZERLAND?

Prostitution has been legal for women since 1942 and for men since 1992. Since 1 July 2014, the minimum age is set to 18. In Switzerland, prostitution is seen as an economic activity and income from prostitution is therefore subject to taxation.

Since the introduction of the free movement of persons in 2002 and its expansion to the east in 2006, nationals of EU/EFTA countries obtain a residence permit if they are employed in Switzerland. If they are self-employed, they must provide proof of their status as self-employed.

WHAT IS THE NORDIC MODEL?

The Nordic Model was introduced in Sweden in 1999. It took effect in Norway and Iceland in 2009, Canada (2014), Northern Ireland (2015), France (2016), Ireland (2017, Israel (2018). Its implementation varies from country to country. The Nordic Model, as it is known in Sweden, consists of the following four pillars:

1. Decriminalisation: the Nordic model explicitly recognises the right to prostitute oneself and to do what one wants with one's own body. It recognises that people may have reasons to prostitute themselves. Prostitutes enjoy protection and support and are not criminalised. This means that the Nordic model has no laws explicitly directed against prostitutes (e.g. areas where prostitution is prohibited).
2. Exit opportunities: There are extensive, publicly funded, long-term programmes for exiting prostitution, with concrete offers and alternatives. These exit programmes are available to prostituted persons. They include psychosocial support, housing, training, debt advice and trauma therapy.
3. Information and prevention: society is informed about consensual sexuality and prevention work is carried out (e.g. against lover-boys). Training is also provided for the police, the judiciary, and social workers, as well as for all other relevant authorities.



4. Ban on buying sex and criminalisation of all those who profit from it: anyone who buys sex is punishable. In addition, third parties who profit from prostitution (e.g. brothel managers) are punished. There are also counselling services for sex buyers.

WHY DO WE TALK ABOUT PROSTITUTION AS A SYSTEM?

In the vast majority of cases, prostitution is the result of a lack of choice, constraints and/or socio-political and cultural factors that push women into prostitution. These factors include poverty, abuse, neglect, lack of education and racism, as well as patriarchal social structures and the belief that men have the right to sexual access to women in exchange for money.

It is essential to look at prostitution from a perspective that takes into account these underlying factors that lead to prostitution, rather than presenting prostitution as a normal «service».

WHAT IS THE LINK BETWEEN PROSTITUTION, THE DEMAND FOR SEX FOR MONEY AND HUMAN TRAFFICKING?

Prostitution and trafficking in human beings for the purpose of sexual exploitation are closely linked, because the latter takes place within prostitution. It is not without reason that Switzerland has police units specifically designed to monitor the prostitution scene.

It is also difficult to determine whether a woman is in prostitution out of her own free will or whether she is being coerced, as it is common knowledge that women in prostitution typically claim that they are doing so of their own free will. We know from street workers that women are in fact subject to many constraints and fear reprisals, so they frequently avoid disclosing if they are in prostitution involuntarily.

Of the various forms of human trafficking, trafficking for sexual exploitation is the most widespread in Europe. Switzerland is no exception. It is a very serious crime that is as difficult to detect by law enforcement as it is difficult to successfully prosecute. Even when it is discovered, the conviction rates are low. Victims play a vital role in criminal proceedings, because without their testimony, there will be no criminal convictions. However, victims are very afraid of reprisal and in most cases do not want to report the perpetrators. It is therefore particularly important that strategies to combat this crime focus on effective measures to prevent the crime in the first place.

This is precisely why the issue of demand for prostitution is relevant: a decrease in demand leads to a decrease in human trafficking for sexual exploitation. If there is no demand for prostitution, trafficking in human beings for sexual exploitation will cease, because traffickers are motivated solely by the maximisation of profits. Reducing demand is therefore the key to combating sexual exploitation.

WHAT IS «TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION» AND WHAT IS THE LINK WITH PROSTITUTION?

The Palermo Protocol (2000) defines what is meant by trafficking in human beings in Article 3a:

«Trafficking in persons» shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, 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».

A very important point that many people are unaware of is that the consent of the victim does not change the fact that it may be a case of trafficking in human beings. This addition shows how important it was for the international community to protect victims, even when they are unaware of their own victim status.