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Legal and social implications of sexual services other than prostitution¹

Prawne i społeczne konsekwencje usług seksualnych innych niż prostytucja

Abstract: The article is based on research carried out as part of the international research project ‘Demand for Sexual Exploitation in Europe (DESIRE)’, covering Croatia, the Netherlands, Poland, and Sweden. The project, financed by the European Commission, was implemented in 2017–2018. The purpose of this publication is to discuss one of the aspects of this research, namely, the functioning of various forms of sexual services other than prostitution. In this context we focussed our study on such phenomena as erotic massage, phone sex, peep shows, or ‘sponsorship’. The starting point of our considerations is the question of whether some forms of satisfying someone’s sexual needs can lead to the exploitation of those who do it. That is why we first present a detailed description of all these phenomena, while in the description we take into account the similarities and differences between the discussed forms and typical prostitution. As one of the goals of the DESIRE project was to establish the relationship between legal regulations and the scale of the sex industry, we analyse the legal and socio-political aspects of providing sexual services other than prostitution in the four countries mentioned above. The selection of these four countries is not accidental, because they represent four models of

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¹ This article has been prepared under the project entitled ‘Demand for sexual exploitation in Europe – DESIRE’ co-funded by the Internal Security Fund of the European Union (grant agreement no. HOME/2015/ISFP/AG/THBX/4000008408). This publication reflects the views solely of the authors, and the European Commission cannot be held responsible for any use which may be made of the information contained herein. More information about DESIRE can be found at <https://project-desire.eu/> [accessed 8 November 2019].

regulating the provision of sexual services that currently function in Europe: from full penalisation (Croatia) to full legalisation (the Netherlands). On the other hand, we looked at these alternative forms of commercial sex from the perspective of human trafficking. Answering the key question of this article, we attempted to indicate the situations and elements of sexual services other than prostitution in which the persons providing them may be exposed to sexual abuse or trafficking.

Keywords: human trafficking, sexual exploitation, sexual services, prostitution, sex work

Abstrakt: Artykuł powstał w oparciu o wyniki badań przeprowadzonych w ramach międzynarodowego projektu badawczego Eksploatacja seksualna w Europie z perspektywy popytu [*Demand for Sexual Exploitation in Europe – DESIRE*], obejmującego Chorwację, Holandię, Polskę i Szwecję. Projekt, finansowany przez Komisję Europejską, był realizowany w latach 2017–2018. Celem tego opracowania jest omówienie wycinka badanej problematyki, a mianowicie funkcjonowania innych niż prostytutka form świadczenia usług seksualnych. W tym zakresie interesowały nas takie zjawiska, jak masaż erotyczny, seks telefon, peep show czy sponsoring. Punktem wyjścia naszych rozważań jest pytanie czy niektóre formy komercyjnego zaspokajania potrzeb seksualnych mogą prowadzić do eksploatacji osób, które się tym zajmują? To dlatego prezentujemy szczegółową charakterystykę wszystkich tych zjawisk, przy czym w opisie uwzględniamy podobieństwa i różnice opisywanych form do typowej prostytutki. Ponieważ jednym z celów projektu DESIRE było ustalenie związków pomiędzy regulacjami prawnymi seks biznesu a skalą handlu ludźmi analizie poddajemy także prawne i społeczno-polityczne aspekty świadczenia usług seksualnych innych niż prostytutka w czterech wymienionych wcześniej krajach. Dobór tych krajów nie jest przypadkowy, ponieważ reprezentują one cztery modele regulacji świadczenia usług seksualnych funkcjonujące w Europie: od pełnej penalizacji (Chorwacja) do pełnej legalizacji (Holandia). Z drugiej strony staramy się spojrzeć na opisane formy komercyjnego zaspokajania potrzeb seksualnych z perspektywy handlu ludźmi. Odpowiadając na kluczowe pytanie opracowania staraliśmy się wskazać te elementy usług seksualnych, innych niż prostytutka oraz te sytuacje, w których osoby je świadczące mogą być narażone na wykorzystanie seksualne lub na handel ludźmi.

Słowa kluczowe: handel ludźmi, wykorzystywanie seksualne, usługi seksualne, prostytutka, seks biznes

1. Introduction

The aim of this article is to define what are referred to herein as ‘sexual services other than prostitution’ and to analyse the legal regulations and policies instituted in Croatia, the Netherlands, Poland, and Sweden² in relation to them.

We also seek to initiate a discussion about whether and to what extent certain sexual services other than prostitution (as described below) can constitute a risk factor of the human trafficking for sexual exploitation of individuals who provide such services. Because this issue is quite complicated and requires further study, we limit our task to indicating the problem and making a preliminary analysis.

The idea of writing this article appeared while planning the Demand for Sexual Exploitation in Europe (DESIRE) research project. In the course of numerous

² The solutions adopted in these countries are the subject of studies and analyses conducted within the framework of the international research project DESIRE.

discussions, the problem of such behaviours, which are a form of sexual services, but are not prostitution *per se*, has arisen. The behaviours we discussed included phone sex, erotic massages, or stripteases. At that stage, it was decided that this issue would need to be given more attention and the research reported on in the form of a separate article.

The study covered four countries: Croatia, the Netherlands, Poland, and Sweden. The selection of these countries is purposeful, as they represent four legal systems for regulating the provision of paid sexual services and four models of state and local response to it. The four different approaches range from full legalisation to criminalisation of prostitution. At the outset, we would like to state that we are aware of objections to the use of the term 'prostitution'; it is nevertheless employed because it more clearly defines the unambiguous nature of deliberations surrounding activities that are referred to in this article as 'sexual services other than prostitution'.

In Croatia, since 1997, there have been legal regulations in place that make the provision of paid sexual services a criminal offence³. Thus, all forms of business activity that lead to the organisation of prostitution or derive a benefit therefrom are prohibited. On the other hand, the prohibition does not cover the purchase of such services, unless the buyer is aware that the person providing the service is forced to do so⁴. In contrast, the Netherlands is one of the few European countries

³ Croatian Misdemeanours against Public Order Act (Official Gazette nos. 5/90, 30/90, 47/90, 29/94), Section 12: 'Whoever indulges in prostitution shall be punished with a fine or imprisonment up to 30 days.'

⁴ Croatian Penal Code, Article 106

- (1): 'Whoever, by the use of force or threat, of deception, of fraud, of abduction, of abuse of authority, or of a situation of hardship or dependence, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person or by any other means recruits, transports, transfers, harbours or receives a person, or exchanges or transfers control over a person for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of taking parts of the person's body, or of using the person in armed conflicts, or of committing an unlawful act, shall be punished by imprisonment from one to ten years.
- (2) The same punishment as referred to in Paragraph 1 of this Article shall be inflicted on whoever recruits, transports, transfers, harbours, or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery, or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of the child's body, or of using the child in armed conflicts.
- (3) If the criminal offence referred to in Paragraph 1 of this Article was committed against a child or the criminal offence referred to in Paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, or the offence was committed against a large number of persons, or the life of one or more persons was consciously endangered, the perpetrator shall be punished by imprisonment from three to fifteen years.

that has had⁵ provisions in place since 2000, under which the voluntary provision of sexual services by adults is legal. This means that mediation or organisation of such activities is not legally prohibited, although it is subject to regulation and taxation. Under these provisions the purchase of sexual services is also legal, but there are a number of restrictions placed upon clients, such as not being allowed to force the person providing the services to have unsafe sexual intercourse. In Poland, both the provision of sexual services and the paid use of such services are legal. However, Polish penal law prohibits any person from deriving benefit from others' prostitution, facilitating it, or inducing others to such activity⁶. Finally, Sweden⁷ is one of

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- (4) The same punishment as referred to in Paragraph 1 of this Article shall be inflicted on whoever, knowing that a person is a victim of trafficking in persons, uses the services of that person which are the result of one of the forms of exploitation set forth in Paragraphs 1 and 2 of this Article.
 - (5) Whoever, with the aim of enabling the commission of offences set forth in Paragraphs 1, 2 and 3 of this Article retains, seizes possession of, conceals, defaces, or destroys another person's travel document or identification document, shall be punished by imprisonment not exceeding three years.
 - (6) An attempt at the criminal offence referred to in Paragraph 5 of this Article shall be punishable.
 - (7) The consent to the exploitation of a victim of trafficking in human beings shall be irrelevant to the existence of this criminal offence.

⁵ On 1 October 2000, articles 250bis and 432 were removed from the Dutch Penal Code and the ban on brothels and pimping were lifted. Since then, prostitution has become completely legal, although prostitution as such has never been a crime in the Netherlands if provided voluntarily and no minors are involved.

⁶ Polish Penal Code, Article 203: 'Whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence, or by taking advantage of a critical situation causes 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.'

Polish Penal Code, Article 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 shall be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad.'

⁷ The purchase of a sexual service is criminalised in Sweden under the Sex Purchase Act (Swedish: Sexköpslagen, SOU 2010:49) and Sections 11, 12, and 15 of Chapter 6 of the Swedish Penal Code.

Swedish Penal Code, Section 11: 'A person who, in cases other than those previously referred to in this Chapter, 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. The provision in the first paragraph also applies if the payment was promised or made by another person.' (Act 2011:517)

Swedish Penal Code, Section 12: 'A person who promotes or, in an improper manner, financially exploits another person's engagement in casual sexual relations in return for payment is guilty of procuring and shall be sentenced to imprisonment for at most four years. If a person who has granted the right to use a flat learns that the flat is used wholly or to a substantial extent for casual sexual relations in return for payment, and fails to do what can reasonably be required to terminate the right granted, they are, if the activity continues or is resumed in the flat, considered to have promoted the activity and are held responsible under the first paragraph. If an offence referred to in the first or second paragraph is considered gross, the person is guilty of gross procuring and shall be sentenced to imprisonment for

several European countries, along with Norway, Iceland, Ireland, and France, that are pursuing a model in which the central element is punishment for the purchase of sexual services (Levy 2015; Östergren 2015: 1). In Sweden, criminal liability is also imposed on individuals who organise such services or mediate in their provision. However, it is legal to sell sexual services (Gonser 2016: 1).

Irrespective of the regulatory system or state policy towards sexual services, the phenomenon itself is an interesting subject of research and criminological studies, although the subject itself does stir up a great deal of controversy (Marneffe de 2010; Green 2016: 65–101). In addition to ethical issues, the most serious disputes arise in regards to the terminology. The traditional definition of ‘prostitution’ is often rejected as being pejorative and stigmatising (Adams 1683: 343) and the term ‘sex worker’ is proposed in its place. When it comes to supporting this perspective, these terms are not synonymous, and their scope is fundamentally different. Without going into detail, the term ‘sex worker’ is much broader than ‘prostitute’. This statement is particularly important when it comes to the problem in question. Logically, every person who practises prostitution is a sex worker, but not every person who is a sex worker is necessarily a prostitute. This is also the case regarding self-identification: those who perform sexual services other than prostitution (for example, erotic dancers) often identify themselves as sex workers, though they strongly protest being called ‘prostitutes’ (Godzwon 2010: 66). Keeping this distinction in mind, both terms will be used throughout the article.

2. Methodology

The analysis uses two theoretical categories that we consider particularly useful when examining four fundamentally different regulatory systems and four different social response models. The first of these terms is public policy (Lerner, Lasswell 1951), which is traditionally understood as policy which has a rational and systemic influence on the sphere of public life. Of course, there is a tacit assumption that this

at least two and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the offence concerned large-scale activities, brought considerable gain, or involved ruthless exploitation of another person.’ (Act 2018:601)

Swedish Penal Code, Section 15: ‘Responsibility is assigned under Chapter 23 for attempting to commit rape, gross rape, sexual assault, gross sexual assault, rape of a child, gross rape of a child, sexual exploitation of a child, sexual assault of a child, gross sexual assault of a child, exploitation of a child for sexual posing, gross exploitation of a child for sexual posing, exploitation of a child through the purchase of a sexual act, purchase of sexual services, procuring, and gross procuring. This also applies to preparation to commit procuring, and to preparation and conspiracy to commit, as well as to failure to disclose or prevent rape, gross rape, rape of a child, gross rape of a child, gross exploitation of a child for sexual posing, and gross procuring.’ (Act 2019: 806)

regards achieving goals that are socially desirable or simply acceptable. This influence has several characteristic features; the most important factor is that it focusses on the context, or all contexts, in which the phenomena or problems that are to be analysed and attempted to be solved exist. Also, public policy is understood here as being rooted in humanist and civilisational values. In practise, this means that the state, self-government, or any social group begins to solve certain problems when the actions are based on values that are considered to be mutually common. Finally, one feature of a properly implemented public policy is its multi-disciplinary approach, which is to be understood as a mandate to employ the achievements and experiences of various sciences, but also as a recommendation to anticipate the effects of actions taken in the sphere of other public policies (Hill 2005; Hausner 2007). Nevertheless, many countries take public actions that do not seem to take these obvious recommendations into account. In such a field as the one which is addressed in this text—regulation of the sex industry—such an approach is seen quite often.

The second theoretical category involves a specific approach to social problems and the need to solve them. Two terms come into play here, i.e. the problem-solving approach originally posited by M.J. Dubnick and B.A. Bardes (1983) and a slightly newer version of it—problem-orientated policing (Sullivan 2009: 406). Regardless of how it is worded, this approach relies on determining from the outset whether or not a problem can be solved. If it is determined to be unsolvable, further instruments of public action should be considered useless. If however, it is clear from the nature of the problem that a solution can be found, a pragmatic and semantic interpretation of the problem is carried out, followed by a search for its genesis, a description of possible solutions, and an analysis of the effects of any actions taken. All this seems obvious, but when the practise of public life is observed, serious deviations from rigorous adherence to the described logic of action are often noted (Braga et al. 2001). It is no different in the area of our interest, which is the sphere of providing sexual services and the response of the state(s) to the resulting problems. We argue that in many cases, this pragmatic approach focussed on minimising harm and increasing the effectiveness of public action gives way to strong moral convictions or even ideologies which as a result can lead in the opposite direction.

In further considerations, we will focus our attention on precisely defining what we mean by sexual activities other than prostitution; however, our starting point will be the definition of prostitution. We will not enter into deliberations and disputes about the definition of prostitution. As it is a source of debate (Batsyukova 2007; Scoular, O'Neill 2007), we believe that for this analysis it is more important to select all the elements (features) of this phenomenon and to base a descriptive definition of prostitution on it. However, we will not define prostitution just for the sake of definition. We need it as a reference point for the definitions of what we describe as commercial sexual activities other than prostitution. Based on materials collected

through the DESIrE project, we will present a list of such activities as well as brief descriptions and a very simple classification of them.

In the last part of this article, we will present the law and policy of four European countries representing four different models of sex business regulation and the provision of sexual services. This part of the article is also based entirely on empirical research carried out within DESiRE. In this research, we used methods typical of research in the social sciences, such as analysing existing data and the content of official documents. All research teams participating in the project (Croatia, the Netherlands, Poland, and Sweden) conducted the research according to the same methodology established during a series of consultation meetings (<http://project-desire.eu> n.d.). In some parts of the article we also refer to data collected in interviews. As part of the project, research teams in each country conducted interviews with sex workers, clients, and experts representing various areas of expertise. All the interviews were conducted according to the same questionnaire, which consisted primarily of open-ended questions.

For the purpose of this research, two methods were used: desk research and interviews. The desk research included all possible documents concerning sexual services other than prostitution in the four countries in question, such as legislation and policy documents, by-laws, administrative procedures (practices), other state documents, and reports (analyses) submitted by each country to the Vrije Universiteit Brussel, leader of the DESIrE project. The interviews were carried out with sex workers, sex buyers (clients), victims of human trafficking for sexual exploitation, and experts representing different institutions and different areas of competence.

Table 1 presents the numbers of interviews conducted in individual countries. It should be emphasised that our analyses were based on research reports submitted by national research teams from Croatia, the Netherlands, and Poland. After its original presentation, the Swedish report was eventually withdrawn by the national team.

Table 1: Sample sizes of the respondents (target groups)

	Sex workers	Sex buyers	Victims of human trafficking	Experts (Law enforcement, civil society, and policy officials)	Total
Croatia	15	30	0	30	75
The Netherlands	19	18	2	24	63
Poland	15	9	2	26	52
Total	49	57	4	80	

3. Sexual services other than prostitution

To describe 'sexual services other than prostitution', the concept of 'prostitution' should first be defined, and then an analysis should be conducted of which sexual activities can be classified as such and why.

In the literature on the subject, there are many definitions of prostitution that emphasise the various characteristics and elements of this phenomenon (Lucas 2005: 517–537; Gardian 2010: 11; Melrose 2012: 159; Green 2016: 66–84). Studies have shown that there is a high level of consensus that prostitution occurs when certain specific elements are present in such interactions. To properly describe the provision of sexual services traditionally referred to as 'prostitution', seven constitutive elements are commonly deemed necessary:

1. an exchange of actions of a purely sexual nature,
2. the satisfaction of the sexual needs of the recipient,
3. clearly defined roles of the person providing the service and the person being served,
4. said individuals being in direct contact,
5. some form of remuneration or payment, either in cash or items of value,
6. a lack of an emotional relationship between the person offering the sexual services and the person interested in receiving them, and
7. a relatively high degree of repetitiveness of the behaviour of the person offering sexual services.

It can therefore be stated that if an activity has all these elements, or meets the conditions described therein, it must be found that it constitutes the provision of sexual services, traditionally referred to as prostitution⁸. This is a fairly common perception of this activity and matches the self-identification of people who offer such services.

On the other hand, a preliminary analysis of the available materials clearly shows that there are sexual acts on the market that exhibit only some of the above-mentioned constituent elements of prostitution. Alternatively, it could be said that doubts arise in cases where all of the elements appear nominally, but to a degree or with a particular nature that makes it difficult to unambiguously classify a particular activity as 'prostitution'. Three important questions arise here. Firstly, is there a term that would help precisely define such sexual activities? Secondly, if such activities actually occur, what is the official reaction of the state to their presence? Thirdly, do such activities create any risk of forced prostitution or any form of exploitation, and if so, what kind? We will focus on these issues.

⁸ Despite the uncertainties that this traditional term gives rise to (unlike the term 'sex work' that is most often used today), it will continue to be used so as not to excessively complicate the study.

Importantly, if we want to go beyond an intuitive understanding of the concept of sexual services other than prostitution, then a definition of the term must be proposed. However, this is a rather difficult task for two reasons. Firstly, this term covers numerous and various activities, such as BDSM (Bondage/Domination/Sadism/Masochism) and phone sex, which at first glance have almost nothing in common. Secondly, for obvious reasons, any attempt to define this term has to be made only in reference to the notion of prostitution. When we use the phrase 'sexual activities other than prostitution', we suggest that this regards different sorts of behaviour that bear certain features of prostitution, but to some extent are different from it. This in turn means that the best way to define the activities discussed herein is to indicate the constitutive elements (features) of prostitution and then to investigate which of these elements appear in other activities.

Let us first analyse one example: phone sex. A telephone conversation between two people can be a form of exchange of mutual sexual stimulation to provide the sexual satisfaction of one of them, in exchange for some form of remuneration. Thus, several features of prostitution are fulfilled. However, in such cases, the important element of direct contact is missing.

Returning to sexual services, it can be stated that the essence of phenomena such as sex sponsoring (where young women, usually students, have their apartment or living expenses financed by men in exchange for occasional satisfaction of social and sexual needs), lap dancing, and erotic massage is the provision of sexual services. However, it is difficult to clearly state that what these individuals offer is regarded as 'prostitution'. On the other hand, some individuals, such as erotic masseuses and erotic dancers state that they are sex workers. A female university student who receives gifts from a slightly older businessman would not consider herself in such a light.

In the public sphere there are approximately ten forms of activities that are related to the provision of sexual services but do not constitute prostitution in the most traditional sense of the word. They all occur in Poland, and most in the other countries being analysed (Green 2016: 70). The activities in question, in alphabetical order, are as follows:

1. BDSM
2. cybersex or web camera sex
3. erotic dancing, lap dances, table dances, and individual stripteases (in clubs)
4. erotic massages
5. exclusive call girls
6. peep shows (and variations) in shops and special centres
7. phone sex
8. sex sponsoring
9. sexting
10. '*galerianki*' (an exclusively Polish phenomenon wherein young women frequent shopping centres to exchange sex for clothing or other purchases)

In the following section, we will analyse all the situations listed above more closely, in an attempt to define all sexual services other than prostitution. We do take into account knowledge, observations, and basic studies that have been conducted to date, as well as documents and available articles. The section does not go into detail in a search for nuances, but rather assumes that describing typical situations may provide a better starting point for further studies.

BDSM is a term that covers a number of mostly erotic practices involving bondage, discipline, dominance and submission, sadism, masochism, and a range of fetishes (lexico.com n.d.). The word is derived from the combination of three abbreviations: BD (Bondage and Discipline), DS (Dominance and Submission), and SM (Sadism and Masochism). These create the combination 'BD DS SM', which was easily shortened by removing the repeated letters to 'BDSM' (Czym n.d.).

BDSM practice is based on the mutual consent of the partners and, as such, is obviously not considered illegal. BDSM meetings usually follow a script that is called a 'scene' or a 'session', as previously agreed upon by the parties involved. Usually, one partner plays a dominant role, while the other plays a submissive role. BDSM is also referred to as sadomasochism, SM, sado-maso, or kinky sex. Binding, whipping, and flogging for sexual pleasure was first practised and immortalised in antiquity. The ancient Hindi text, the Kamasutra, was one of the first books to tackle issues related to sadomasochism (consensual erotic slapping). The terms of sadism and masochism are derived from the Marquis de Sade (*Marquis de Sade* n.d.) and Chevalier Leopold von Sacher-Masoch (*Masochism* n.d.).

BDSM practices can include different forms of sex, though this is not necessarily the main theme of such meetings. Often, there is no penetration involved, so BDSM should be considered as an alternative form of sexual service. People who provide such services most often identify themselves with the role they play: dominant or submissive. Neither authors of BDSM nor its practitioners use the terms 'prostitute' or even 'sex worker' (Czym n.d.). One author of an article on BDSM was outraged at the idea that a dominant should be identified as a prostitute, saying that 'there is no sex involved in contact with a dominant' (Gajda 2013). Likewise, on the blog Monamistress, Domina Mona calms the female partners of men using the services of dominants, saying that 'Dominance is not sex, it is not betrayal, and a dominant is not a lover or a prostitute' (Czym n.d.).

BDSM is generally considered a sexual subculture, similar to tantra and polyamory—which are deemed to be alternative lifestyles. 'People who identify themselves as BDSMers or BDSM practitioners do so because it is something they relate to their identity. In a BDSM environment, a role-play structure is automatically assigned, very specific rules apply, and the context of sexual actions is different' (BDSM 2016).

Cybersex can be defined as the interaction between at least two people who use video, text, and sound transmitted over the internet to stimulate or achieve sexual arousal (Leśnicka 2009). Sometimes, it is only done in written form; this is

synchronous online communication, i.e. sex chat, which is sometimes enhanced with video from a webcam. Chat rooms including erotically themed rooms are available at many websites, and most have the capacity to send and receive video from a camera. Written communications can take the form of literal descriptions of sexual activities, or an elaborate storyline including a description of the entire environment and the roles intended to be played by the individuals involved. Nowadays, there are more and more gadgets that facilitate cybersex. One is Fundawear underwear (wearablex.com n.d.), which is equipped with sensors that respond to instructions sent to it from a smartphone. They make it possible to literally 'touch' a partner remotely.

Websites on which men and women offer paid cybersex are very popular. One example is BroadwayCams (broadwaycams.com n.d.), which enables a free one-minute 'preview' of the individuals offering virtual sex. Those who post advertisements are amateurs, usually working from their own home (camcolt.com n.d.). There are also professional studios that offer work for video models, such as CamGirl Studio in Warsaw (camgirl.com.pl n.d.). Women who offer cybersex do not consider themselves prostitutes; however, they also do not deny the possibility that a relationship which begins through a sex cam may continue in the real world (Turner 2012). Cybersex gives the women a form of increased security and comfort, in that if they come across an aggressive 'client', they can simply log off the site. Women performing this type of work are referred to as camgirls or performers. They receive tokens for their shows, which they can then exchange for real money.

Erotic dance is a form of dance aimed at directly stimulating the viewer's sexual arousal; this arousal is incited by a woman revealing her barely-covered or naked body or dressed in an outfit that is considered erotic (Green 2016: 190), while making movements imitating pelvic thrusts, and other activities intended to associate dance with a love game or sexual intercourse (Lovatt 2010). Erotic dance includes stripteases as well as pole dancing. An online dictionary defines pole dancing as a type of acrobatics, popular in strip clubs, with the reservation that the dance is not directly aimed at inducing sexual excitement (studioax.pl n.d.; pl.wikipedia.org 2019). Pole dancing can be generally described as a combination of acrobatics and dance that, as a whole, is a distinctive show. This is the case in Dutch theatres, where strip dancing is part of a larger show (Report on the Dutch Prostitution Policy 2017: 17–18). If one is to research the history of pole dancing, its erotic nature cannot be denied. It was not until the evolution of pole dancing, enriched with acrobatic manoeuvres and choreographic routines by the dancers themselves, that it became a form of acrobatics.

Erotic massage is a type of erotic interaction between two people when massage, as a type of neutral (medical) technique, is used by one person on another person's body and erogenous zones for his/her sexual excitation ending in orgasm. In some circumstances the massage can turn into intercourse, although in many parlours such acts are strictly forbidden. According to an erotic dictionary, the term means 'the use of massage techniques to sexually stimulate someone' (*Słownik* n.d.).

Some forms of massage have often been misunderstood. For example, Thai massage is considered to be erotic. In the article, ‘Thai Massage and Commercial Sex Work: A Phenomenological Study’, Elizabeth Monk-Turner and Charlie G. Turner (2017) attempt to reverse this stereotype by describing what to expect when paying for a Thai massage, depending on where the service is offered. While the article refers to the market in Thailand, Thai practices can be found in Europe. European professional massage parlours and spa centres offering Thai massage do not offer clients anything other than therapeutic or relaxing therapies performed by qualified staff. On the other hand, a service by the same name offered by individuals without proper certification may, at the request of the client and for an additional fee, offer stimulation of intimate areas and a ‘happy ending’. The authors of the article point out that interest in traditional Thai massage has decreased significantly.

Common misunderstandings that arise between clients’ expectations and the range of services provided by massage therapists are the result of ignorance of the market. Knowledgeable clients recognise that in a given case they can count on receiving a sexual service based on the name of the massage service offered (e.g. Reiki or Tantra) (Report on the Dutch Prostitution Policy 2017: 17–18). Apparently, this problem does not occur in Poland as erotic massage advertisements usually include information about the option of a ‘happy ending’ or ‘full satisfaction’ if it is offered.

An advertisement targeted towards women and described as orgasmic meditation has also appeared on the sex services market (*Orgazmiczna* n.d.). During such classes, the instructor touches the participant’s erogenous zones, describing what happens to the woman under his touch, how the vagina changes and how it reacts to touch. Because this type of meditation amounts to stimulation of a woman’s intimate areas and is intended to teach her to achieve orgasm, it can be classified as a type of erotic massage. This type of massage differs from the common erotic massage in that it normally takes place in the presence of an entire group.

Exclusive call girls are normally women who provide sexual services only for very special clients, after making an appointment (over the phone) and at a location proposed by the client or the person providing the services. In other words, these women do not have their own premises nor do they provide services through escort agencies. In practice, the services are commonly rendered in hotels or the clients’ homes. The common feature is that such women provide services sporadically and at rates substantially above those charged on the local market for sex services. Furthermore, exclusive call girls choose their clients and can choose where the services will be provided (for example, only in hotels) (Harcourt, Donova 2005: 203). In this respect, they are similar to sponsees, with the difference being that for exclusive call girls, the contact is commonly either a single time or possibly sporadic, whilst in the other case the relationship is usually long-term and often involves some form of emotional involvement (*eskorta* n.d.).

Exclusive call girls (escorts) do not describe themselves as prostitutes, but as models or women offering companionship. This is mainly because they offer more than sexual intercourse—they also share time with their clients, for example by accompanying them to events.

Exclusive call girls are usually well-educated women, often with university degrees, the ability to speak several languages, and—most importantly—knowledge of how to behave in the company of social elites (Flowers 1998: 54). There is a special category of exclusive call girls, who do not advertise online or in the press, but whose contact information is distributed by their clients—often within a rather limited circle—to the clients' friends or business partners (Super 2009). Therefore, these women are not available to all clients, but only a very limited number, as they can only be reached through a limited circle of associates. This confidentiality is also due to the fact that such women are often involved in other activities such as modeling or acting and the provision of sex services is an additional source of income for them. Hence, these call girls are referred to as exclusive escorts.

The term 'peep show' is an English expression which denotes voyeurism or watching a performance through a keyhole (Fisiak 2003: 1075). Merriam-Webster's Dictionary describes a peep show as 'an entertainment (such as a film) or object (such as a small picture) that is viewed through a small opening or a magnifying glass and is usually sexually explicit' (*Peep* n.d. a). Similarly, the Oxford Dictionary describes a peep show as 'an erotic or pornographic film viewed from a coin-operated booth' (*Peep* n.d. b).

A peep show can also be a type of live erotic performance of single women 'showing off' (posing sexually) or couples having actual sex in which the viewer has anonymity—in principle, the viewers do not reveal their presence while watching the performance (*Amsterdam* 2014). Typically, the client is in an individual booth where they can watch the show through a viewing slot, which shuts after the pre-paid time has expired. Some establishments offer special individual booths, in which the dancer performs a striptease. This arrangement allows direct contact with the dancer and additional services for extra payment.

A peep show is usually a striptease performed on a small rotating stage and sometimes with a vertical pole. As a rule, there is one dancer, although there may be more. Sometimes on the peep show stage there is a live (usually heterosexual) sex show. Spectators are in darkened cabins located around the stage and in principle they remain invisible to the dancer (dancers or actors). The viewers can watch the performance on the stage through a special window that opens for a certain time, which is paid for with coins or banknotes inserted into a machine. After some time the window closes and only reopens after another payment is made. In this way the viewers themselves determine the viewing time of the show.

This classic peep show formula can be subject to a variety of modifications. One variety is that the viewer watches the show individually. In this situation the cabin is connected to a small stage where one dancer performs for a particular person.

The cabin and the stage have separate entrances. This configuration does not require a money-collecting machine. The dancer enters the cabin once the viewer/client has paid the entrance fee of the individual show. This type of peep show can have two variations. In the first there is a window between the viewer and the dancer that prevents direct contact. In the second version, such a window does not exist, and direct contact is possible. In some sense, it is even the essence of this form of show, because direct contact can lead to the delivery of sex services by a dancer after appropriate payment is made. Details are subject to agreement between the performer and client.

Phone sex can be defined as ‘mobile phone sex in which two people imagine sexual intercourse through talking’ (Arnett 2012: 79). Another definition of this sexual service is

‘masturbation performed while communicating by telephone with another person. It is an emerging pastime and industry, with franchises and telephone equipment especially designed for it. An offshoot of the pornography industry, phone sex has built its legal base on the freedom accorded to pornographic utterances and shows signs of attracting a significant fraction of pornographic related revenues. A number of small, non-profit clubs facilitate obscene phone calls among their members.’ (Dynes 1990: 992)

Phone sex is a unique form of sexual contact devoid of physical contact, as it is performed via telephone or erotic text messages. The author of an article devoted to the subject discussed the reasons people engage in phone sex and concluded that shyness as well as the possibility of role play and engaging in sexual fantasies are involved (*Seks* 2020).

Phone sex is a type of erotic fun recommended to spice up people’s sex life, especially people in a stable relationship. Online paid sex hotlines where it is possible to view the other party are also very popular and are increasingly advertised online (Godzwon 2010: 66; sexpartyline.pl n.d.).

‘Sex sponsoring’ is a phenomenon that is seen more as an exclusive form of prostitution in the Polish literature on the subject (Klonowska 2016: 40), or simply another version of prostitution (Gardian 2010: 56). In our opinion, sex sponsoring should not be associated with classic prostitution, but should instead be treated as an alternative form. For the purpose of this article, we have adopted a working definition of this activity, describing it as a relationship between two people—a sponsor and a sponsored party, sometimes called a sponsee—that lasts for various periods of time and primarily involves the sponsored party providing sexual services to their sponsor and receiving financial or material reward (for example, payment of rent, tuition fees, or purchase of certain goods). The provision of sex services is often combined with the sponsored party offering other services to the sponsor, including spending leisure time together (for example, going on holiday, to the theatre, the cinema, or restaurants) or accompanying them in various circumstances (for

example, business meetings or a business delegation). A similar understanding of sex sponsoring can be found, e.g. in Klonowska (2016: 39–52), Gardian-Miałkowska (2012: 296–297), or Myślińska (2014: 314).

The above definition and others found in the literature on the subject do not define the number of people involved in such a relationship. This is because the sponsored party can cater for several sponsors at the same time, or a sponsor can sponsor several people at once (kobieta.pl 2010). It does not matter whether these people are aware of the existence of other sponsors or sponsored parties, because sex sponsoring does not necessarily entail a relationship between one sponsor and one sponsored party. However, it can be assumed that a sponsored party has two to three sponsors at most.

It is generally thought that sex sponsoring is performed by university students (women), which does not seem to be entirely true, as it is not only students who enter into sponsored relationships, but it should be highlighted that it can involve women as well as men who are not students. Such offers are reflected in sex sponsoring advertisements on websites, which indicate that it is not only students who are looking for sponsors.

Sexting is sending, receiving, or forwarding sexually explicit images, messages or photographs, typically between people who know one another. Originally, this exchange of images normally had an intimate nature. Soon after it was also used for commercial purposes (some form of payment for private photos). Today, such images are often used against the person's will or knowledge and is now a large part of the virtual sex business.

A popular legal website in the USA defines sexting as 'an act of sending sexually explicit materials through mobile phones', another definition of sexting is creating, sharing, and forwarding sexually suggestive, nude or nearly nude images (Lenhart 2009: 4). The word is a portmanteau of two terms: sex and texting. Sexting is a punishable offence; for instance, in the USA a teenager texting sexually explicit photographs of themselves or of their friends or partners can be charged with distribution of child pornography, and those who receive the images can be charged with possession of child pornography. The term was also legally defined in *United States v. Broxmeyer*, as 'the exchange of sexually explicit text messages, including photographs, via cell phone' (*Sexting* n.d.).

There are various internet platforms that facilitate sexting, such as Snapchat, Tinder, and Instagram. Snapchat is a smartphone application that allows users to send photos and videos with captions which are displayed for a maximum of 10 seconds. Originally, the site was intended to cover everyday events—picturesque views, meetings, parties, etc. The application has the option of capturing images (screenshots), which can lead to their uncontrolled sharing, for example, erotic photos intended for only one individual.

Tinder is a mobile dating site that allows users to search for potential partners based on their preferences and location. By swiping other people's profiles left or

right on the screen, the user indicates whether they like the given person or not. If there is a match, the two people are paired and notified. This site is used for finding people with similar interests, partners for events, meetings, dates, casual sex, etc.

Instagram is a photo-hosting site which contains photos on a wide variety of topics. It is used in a similar way to Snapchat; however, the shared photos are available for an unlimited period of time (unless the user deletes them). A very common occurrence on Instagram is sponsorship and 'pseudo-modelling'. Beautiful women, or oftentimes underage girls, offer 'modelling' services to rich clients. This is a type of exclusive prostitution, which will be described below (exclusive call-girls) (tagth-sponsor.com n.d.).

'*Galerianki*' are underage high-school students looking for 'sponsors' in shopping centres in Poland⁹. The sponsors are usually much older men with whom the girls have sex in return for gadgets, clothing, or even as little as a mobile phone top-up (Ozminkowski 2010). Some researchers consider the activities of *galerianki* to be the prostitution of minors because they earn money for the things they desire. According to research conducted in Poland, they are usually 14–16-year-old girls from broken families, who often abuse drugs and/or alcohol and who want to obtain a higher social status, thus providing sexual services in return for clothing or other gifts. While others have reached a different conclusion—that '*galerianki* are not girls from dysfunctional families, but from cold family environments, from homes that are emotionally empty' (Podgórska 2009). In some groups of teens, the provision of sexual services in exchange for gifts is considered a life skill (Izdebski 2012). Such girls often do not see anything wrong with such activities and do not call it prostitution (Ozminkowski 2010).

They observe men in shopping centres and pick out potential clients. They then establish contact and directly inform them of the services they provide and what they want to receive in return. They are usually aware of the risk of going to a secluded place with an adult man, so they circle shopping centres in small groups and keep an eye out for one another (Podgórska 2009). The sexual encounter (usually oral sex) usually takes place in the client's car, or in a public toilet on the shopping centre's grounds. *Galerianki* often call sponsors their boyfriends or suckers, in order to suppress the thought that they are, in fact, prostitutes (Galerianki 2010).

Even at first glance it is clear that some of these sexual services are more similar to typical prostitution, whilst others have little to do with it and others still are more akin to pornography than prostitution. The classification of sex work is a difficult task because various criteria should be taken into account. One of the most popular is the division of sexual activities into 'direct' and 'indirect'. C. Harcourt and B. Donovan (2005) proposed such a division and precisely defined both concepts. They were not

⁹ We have reason to believe that this phenomenon is specific to certain countries, including Poland. Within the DESIrE project, research none of the four research teams reported that similar activities had been identified.

referring to direct contact between partners of the interaction, but rather to their intentions. In this way, direct prostitution includes those activities in which the goal is a sexual act, for example, street prostitution and club or brothel prostitution. As for 'indirect' sex work, the key factor of the classification is whether the activity of the partners was focussed on the sexual act *per se* or any other form of sexual behaviour. This category therefore includes practices such as BDSM, erotic massage, lap dances, and even swinging (Harcourt, Donovan 2005). However, the common goal of all these activities is the satisfaction of another person's specific sexual needs.

We fully recognise the rationality of such a breakdown, but we sought criteria with which we could examine the degree of 'saturation' of particular sexual activities with characteristics specific to typical prostitution and, in extreme cases, demonstrating a lack of such elements. From the perspective of this article, such an approach cannot be considered very useful. Taking this into consideration, but also being guided by the aim of the article, the 'sexual services other than prostitution' have been divided into two categories: A and B. Category A is purely 'sexual services other than prostitution', while Category B is borderline 'sexual services other than prostitution'. The main criterion for this division is the intensity of at least five of the constituent elements of prostitution mentioned above. We assume that the presence and intensity of such elements in each of the activities either distance them from or bring them closer to what is considered typical prostitution. The key is to examine how many of the five constitutive elements are observed in a particular behaviour.

Category A includes activities of which the overall relationship with traditional prostitution is minimal or non-existent:

1. phone sex
2. cybersex or webcam sex
3. erotic dances, lap dances, table dances, and individual stripteases (in clubs)
4. peep shows (and variations) in shops and special centres
5. sexting
6. BDSM

In contrast, Category B includes activities that have relatively much in common with prostitution:

1. erotic massage
2. sex sponsoring
3. exclusive call girls
4. *galerianki*

In light of the information that we have gathered¹⁰, in our opinion, all individuals involved in the activities classified in Category A (apart from sexting) should be

¹⁰ This refers to intensive desk research that was conducted in the Human Trafficking Studies Centre of the University of Warsaw in 2017 and 2018.

considered ‘sex workers’, but definitely not ‘prostitutes’. Moreover, the preliminary fieldwork we conducted shows that individuals who work in phone sex/cybersex or as erotic dancers do not consider themselves prostitutes. Of course, such individuals are aware that they satisfy the sexual needs of their clients and take money for doing so, but the manner in which they do so shields them from the negative feelings that prostitutes may experience regarding their chosen profession. On the other hand, orthodox BDSM practitioners and erotic dancers who avoid sexual intercourse with clients may say that their work is therapeutic and that they are more akin to therapists because they minister to the mental and physical health of their clients (BDSM) or to their clients’ aesthetic and emotional needs (dance).

As to the justification of classification within Category B, the matter is much more complicated. The masseuses interviewed, who do not offer anything more than a massage and who consistently adhere to this principle, do not consider themselves prostitutes. They see their work as a combination of medical and mental treatments. At the same time, some of them may agree to have sex (as part of the same price or for an extra fee), but in such a scenario the service should be considered prostitution.

When it comes to young women—mostly female university students—who are supported by wealthy men, they generally do not consider themselves prostitutes or sex workers, but refer to themselves as lovers or partners. The Polish language has the word *utrzymanka* [mistress], which for centuries has defined the position of a woman who accompanies an affluent man and forgoes her own career or typical family situation for this purpose. In further research, it would be worthwhile to determine whether, in the opinion of the sponsored women, such a concept would properly define their status.

Finally, those in the category of exclusive call girls also reject being called prostitutes. In their view, they are exclusive hostesses or models who have social and/or intimate relationships with men of their own choosing when they please. It seems that this element of the social status of exclusive call girls is what differentiates them from prostitutes (Jütter 2008; Gardian 2013: 301).

4. Law and policy addressing sexual services other than prostitution in Croatia, the Netherlands, Poland, and Sweden

The objective of this section is to investigate whether legal regulations and public policy solutions are characterised by social pragmatism, that is, focussed on solving specific problems and harm-reduction strategies. Before describing the individual approach of each country, we should address a more general question, namely, what is the European Union’s approach to sexual services other than prostitution and does an EU approach even exist? As already noted, in Europe, four different models of state regulations concerning sex work can be discerned. However, there are

also other methods of classification of state policy towards prostitution. One such method was recently developed by Petra Ostergren (Ostergren 2017). According to Ostergren, there are three different models of policies surrounding prostitution: the repressive, the restrictive, and the integrative policy regime.

Within the repressive model, sex work is understood as a negative social phenomenon, a phenomenon that is seen as being damaging for the whole of society, not only for the person providing sex services (Ostergren 2017: 9). Therefore, the efforts of state institutions working in this paradigm focus on completely eliminating prostitution from public spaces. It is also worth mentioning that the repressive model is often justified by explaining that selling sex is a form of violence committed by men against women; even voluntary prostitution is interpreted as violence. Thus, according to this model, there is no room for any other view except that commercial sex services are wrong.

In countries employing a restrictive policy approach regarding prostitution, sex work is described as multifaceted phenomenon with a wide scope of behaviours; only some behaviours are deemed harmful to women and/or socially unacceptable (Ostergren 2017: 10). Under this model, prostitution is treated by the state as a negative social phenomenon, but sex work is not necessarily viewed as sexual exploitation or violence against women. Therefore, such state policies tend to focus on eliminating all forms of sexual exploitation (such as forced prostitution) as well as regulating the behaviour of pimps or other facilitators who may benefit from prostitution. The pragmatism in this model is based on the assumption that prostitution will exist in a given society regardless of legal frameworks or state policies and that it is impossible to completely eradicate this type of social behaviour. Therefore, all actions taken by the state concern the elimination of potential consequences of sex services, such as forced prostitution or child prostitution. Under this model, commercial sex services are not penalised by the state.

Finally, under the integrative model, sex work is treated as a multifaceted social phenomenon. The idea of this model is to protect people selling sex from any harm they may suffer by integrating them into societal, legal, and institutional frameworks (Ostergren 2017: 15). In other words, sex workers are treated the same as any other working professional; this model is based on respect of human rights and human dignity. However, as Ostergren notes, this does not mean that sex work is considered by society to be morally good; the main concern of this model is that all citizens should receive protection from the state regardless of the profession they choose to follow. State obligations in the integrative model are to improve the working conditions of sex workers, to implement initiatives that reduce stigmatisation and violence against sex workers, and to promote collaboration between the sex service sector and state authorities (Ostergren 2017: 17).

While there are numerous discussions among academics, sex workers, and activists of prostitution and/or sexual services other than prostitution, there is very limited discussion about such issues within the EU (Allwood 2018: 126–134). The most

recent debate at the EU level was during the development of European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (EP 2014). This resolution clearly outlines the EU approach to sex work. In this document, EU member states acknowledge that ‘prostitution is a form of slavery incompatible with human dignity and fundamental human rights’ but also that it is ‘a form of violence against women’ (EP 2014: 4–5). Moreover, the EU Parliament stated that the most effective way of ‘combating the trafficking of women and under-age females for sexual exploitation and improving gender equality is the model implemented in Sweden, Iceland, and Norway (the so-called Nordic model)’ (European Parliament 2014: 7). This indicates that EU policy regarding sex work is in favour of implementing the repressive model in all Member States, and solutions addressing sex work beyond those offered by the Nordic model should not be taken into consideration. Granted, the EU Parliament resolution also stresses that prostitutes should not be criminalised and that EU countries should abolish repressive legislation concerning sex workers, but the ultimate goal is to encourage the implementation of the Nordic model in all EU countries:

looking upon prostitution as legal ‘sex work’, decriminalising the sex industry in general, and making procuring legal is not a solution to keeping vulnerable women and under-age females safe from violence and exploitation, but has the opposite effect and puts them in danger of a higher level of violence, while at the same time encouraging prostitution markets—and thus the number of women and under-age females suffering abuse—to grow. (EP 2014: 8)

Under this resolution, it is somewhat astounding that the EU Parliament completely omits the problem of sex services other than prostitution. Although sexual services other than prostitution are not as highly visible, does this mean that the issue should be ignored? Therefore, the question is: Will the EU give due attention to these issues and open a public debate? In the meantime, sexual services other than prostitution are continuing to develop.

While there is no EU policy specifically addressing sexual services other than prostitution, below we describe national legislation and policies of selected countries regarding these issues—Croatia, the Netherlands, Poland, and Sweden—and the question of whether there are any legal regulations and policies regarding sexual services other than prostitution.

4.1. Croatia

Croatian law penalises the purchase, provision, and facilitation of sexual services (CCC 1997: Sections 157 & 162). The Croatian Penal Code does not clearly define sexual services, but it often uses terms such as ‘sexual services’ (CCC 1997:

Section 157) and 'other forms of sexual exploitation, including pornography' (CCC 1997: Section 106). The situation in Croatia can be compared to how laws concerning human trafficking have been developed, where the focus was on victims of trafficking. The Croatian courts do not pay much meaningful attention to the definition of terms, leaving this to the judiciary, (Croatian Supreme Court 2015).

Public, third-party advertisements about sexual services and their purchase/provision (such as ads in print media, on television, or online) are also penalised in Croatia (CCC 1997: Section 157[3]). However, in practice, penal proceedings are few and far between on this front (Brown 2015: 64–74). Moreover, penalties are not applicable in cases when someone personally publishes an advertisement for sexual services.

It may be observed that Croatian policy dealing with the problem of sex work is selectively implemented; actions are largely focussed on the elimination of street prostitution, the most visible kind of service (MIS 2017: 6). However, there is no clear effort on behalf of the state to limit sexual services other than prostitution despite the fact that the authorities and law enforcement units are aware of their existence. Therefore, it is difficult to say that state policy and implementation of the policy are cohesive. One may easily assume that such authorities are solely concentrated on one aspect related to the provision of sexual services whilst disregarding the whole spectrum of sexual services other than prostitution.

Furthermore, sex work and sexual services other than prostitution in Croatia are not a significant political issue. For example, consider the legislative reform of 2012 regarding the criminalisation of both sex workers and their clients (Rijken et. al 2017). This reform passed through parliamentary procedures with virtually no public discussion. It seems that discussions on such issues would never be initiated by the Croatian government. This shows that politicians have no will to debate the issue, and they are reluctant to adhere to public opinion on the matter in order to undertake steps towards limiting sexual services other than prostitution.

The existing law and state policy in Croatia have not yet resulted in a significant reduction of the use and distribution of sexual services. Unofficial statistics suggest that there are an estimated 7,000 sex workers in the country and approximately 100,000 clients (*Prostitucija* 2016)¹¹. It is difficult to estimate more precisely the number of people specifically engaged in sexual services other than prostitution. However, through an analysis of websites related to sexual services—call girls, erotic massage, or webcam sex—one can assume that these numbers are not exaggerated (slavic-companions.com n.d.; croatia.topescortbabes.com n.d.; pl.xhamster.com n.d.; *Night* n.d.; happyescorts.com n.d.; cityoflove.com n.d.). We believe that the actual figures may be much higher.

¹¹ From the public statement made by Ms Branka Žigante, judge at the Superior Misdemeanour Court of the Republic of Croatia.

Generally, we can say that the internet enables sex services to be more accessible, not only in Croatia, but worldwide. Social media networks such as Facebook, Twitter, Badoo, or Planetromeo can readily be used for disseminating advertisements of sexual services other than prostitution. The internet can also be used for web cam modelling, sexting, and phone sex services. So far, there have been no public discussions in Croatia about the use of the internet and the sex service market, nor has there been—until now—any conclusive response from the criminal justice system or other related authorities.

Although the Croatian Penal Code contains restrictive provisions regarding advertisements about sexual services, numerous advertisements on sex work and sexual services other than prostitution regularly appear on the internet. In addition, there are specially designed websites where various information and tips about the sex market and how it works can be found (*Croatia* n.d.). This is a rather peculiar situation; according to law and politics, the state is trying to eradicate the commercial distribution of sexual services, even those beyond prostitution, whereas everyday life appears to present a quite different standard, interests, and goals. Taking this into account, it must be stated that the legal and political solutions adopted in Croatia are ineffective; they do not correspond to daily life in the country, and therefore do not contribute to the effective elimination of prostitution and sexual services other than prostitution.

4.2. The Netherlands

The Netherlands is one of the few European countries in which voluntary prostitution by adults is legal and is treated as a profession¹². The law and regulations in force in the Netherlands concerning prostitution are fairly well known and this issue has been repeatedly researched and analysed as well as being featured in numerous publications and reports (Rijken et. al 2017). In our opinion, the Netherlands is one of a few countries that has built-in social response systems for the phenomenon of sex services that acts in accordance with this scheme. Numerous studies on the provision of sex services in this country show that the activities of public authorities are aimed at finding effective ways to deal with more serious problems (Raymond 2004; Persak, Vermeulen 2014). There is no doubt that regulating the sex industry is a difficult task. This is mainly because discussions often involve conflict between value systems that seem impossible to reconcile.

In 2000, Dutch authorities created a system to regulate prostitution, including legal solutions and a model for controlling it. Opinions regarding this system vary and people are often against the professionalisation of prostitution and the criteria

¹² We are aware that the term 'prostitution' raises objections and controversy; however, we use it to clearly distinguish this form of sexual services from the other forms referred to in the article.

they apply are axiological. As far as the efficiency of the system is concerned, it is probably easier to agree that it is effective in practice because it guarantees maximum control and promises minimal harm. We will not delve into these arguments. Our task is modest: to examine how, in a country such as the Netherlands, the sphere of the sex industry goes beyond prostitution, a category of sexual services which covers everything that satisfies sexual needs but is not considered typical prostitution.

The task is not easy and several important circumstances must be taken into account. Firstly, in the Netherlands, because of its legal regulations, the understanding of prostitution is considerably broader than in other countries. In the Netherlands, some forms of activities that we refer to as 'sexual services other than prostitution' are treated as prostitution if they result in sexual services in any form. An example of such activity is a 'relaxation massage' that includes a 'happy ending' (Raymond 2004; Persak, Vermeulen 2014), which of course is a form of sexual satisfaction.

Secondly, measures are still being taken by the Dutch government to regulate the vast array of issues related to the provision of sexual services. Currently, there is much discussion taking place on a new law, the 'Bill for the Regulation of Prostitution and the Suppression of Abuse in the Sex Industry' (Outshoorn 2012), sometimes referred to as the 'WRP'. This law is an attempt to comprehensively regulate sex services in the Netherlands. However, experts point out that the 'bill's major aim is to regulate prostitution in order to fight human trafficking, crime, and abuse in the sex industry' (Outshoorn 2012). For an external researcher, the situation is not particularly comfortable, because when analysing the sex market in the Netherlands, authors often refer to the definitions contained in the draft of the WRP and to the anticipated solutions. The authors of the draft bill have adopted a new definition of prostitution, deciding that prostitution is 'making oneself available to perform sexual acts with another person against payment' (Daalder 2015). There is no doubt that this new definition is sufficiently broad to include the activities and interactions that we refer to in this article as sexual services other than prostitution. Moreover, in the Netherlands, almost all of the above-mentioned activities are or can be treated as prostitution if they lead to sexual satisfaction provided as a service by one person to another. Of course, this does not apply to situations in which there is no direct contact between the service provider and the client.

Thirdly, unlike the other countries in this analysis, the Netherlands regulates the issue of the sex industry not only at a national level, but also at the local level; however, Dutch legislation lacks a unified legal system for the regulation of the sex industry (Rijken et. al 2017). The creation of such a unified system is one of the goals of the draft WRP.

Given this particular situation and the very broad definition of sexual services in the Netherlands, it is very difficult to distinguish actions that can be classified as prostitution and other forms of erotic or sexual acts that we refer to as sexual

services other than prostitution. For example, erotic massages may or may not be considered prostitution depending on how it unfolds and, more importantly, how the service ends. Many Dutch municipalities have laws that prohibit the provision of sexual services in massage parlours. This is not just a matter of simply adopting specific legal regulations, but also of enforcing them.

On the other hand, in the Netherlands, peep shows and shows with sexual content are formally treated as places that provide sexual services. This means that such services fall within the Dutch licencing system. However, the activity of people participating in such shows (people exposing their bodies or demonstrating sexual activity) is considered to be pornography, as it is assumed that there will be no direct contact between the actor and the viewer. Considering the increasing role of the internet in access to pornographic content, it is no surprise that the number of places in the Netherlands where live sex is performed is dropping. From 2006 to 2014, these numbers decreased by almost half (Daalder 2015).

A separate discussion is required for the area of sexual activity that involves modern communication technologies such as smartphones and the internet. However, from the point of view of the purpose of this study, it is important to distinguish between the use of these means of communication as instruments used to advertise services and the use of telephone and internet capabilities to satisfy the sexual needs of clients. We overlook the former and instead focus on the role of modern technology in the provision of sexual services. In the Netherlands, phone sex takes the form of direct telephone conversations or different applications that enable text messaging. The issue of cybersex—the transmission of images of an erotic or sexual nature through webcams—is slightly different. This form of activity is not legally regulated in the Netherlands and from a legal point of view is considered to be a form of pornographic services. Studies and expert opinions show that knowledge on this topic is limited and that it is not of any particular interest to the public (Koster de et al. 2019 et.). If adopted, under the WRP, all such activity will be treated as a ‘business operation’ and will be subject to regulations of conduct (Daalder 2015); for example, sex workers will need to obtain special licences to practise this profession even online.

The Netherlands is a country in which the issue of sex services is treated seriously. Changes in legislation that took place in 2000 have led to changes in policy for various segments of the sex industry. In terms of prostitution in its traditionally-understood form, the matter seems to be clear: the law permits prostitution as a completely legal profession, the state oversees organisational and technical issues, and local governments make autonomous decisions as to how much they want to benefit from opportunities provided by national law. Numerous academic centres and NGOs conduct research and prepare relevant analyses. The issue of prostitution is also the subject of open public debate. Still, the situation is slightly different when it comes to statistics regarding sexual services other than prostitution, which are collected in a much more limited scope. Even according to the new regulations

contained within the Bill for the Regulation of Prostitution and the Suppression of Abuse in the Sex Industry, it is not clear whether sexual services other than prostitution can be treated as regular sex services as such, especially when there is no direct contact between the service provider and the client. This ambiguity is a major challenge for the Netherlands. However, due to the active role of local governments, knowledge about these issues is still significantly broader than in other countries.

4.3. Poland

Poland belongs to the group of European countries in which prostitution is legal but is not treated as a profession. The issue of prostitution is regulated by Polish penal law: in the Penal Code and in the Code of Petty Offences. The Penal Code prohibits:

- a) forcing another person to practice prostitution,
- b) inciting another person to practice prostitution,
- c) deriving benefits from someone else's prostitution, and
- d) facilitating the prostitution of others in any form.

All such behaviours/actions are punishable by imprisonment for one year to a maximum of ten years. Also, according to Article 142 of the Code of Petty Offences, anyone who, in an imposing manner or otherwise, induces another person to perform an indecent act with the goal of deriving material benefit shall be subject to the penalty of arrest, restriction of liberty, or a fine.

At the same time, there is no clear policy on prostitution and other sexual services in Poland. Even if one takes a look at the Sejm, it is clear that there is almost no discussion about prostitution or other forms of sex services. This clearly shows that the Polish government, and most likely Polish society at large, are not ready to start discussing the legalisation or criminalisation of prostitution in Poland. This is quite surprising, as prostitution is not a minor phenomenon; Statistics Poland estimates that in 2013, income from prostitution amounted to approximately 657 million PLN (approximately 160 million EUR) (GUS 2014). Also, according to an opinion poll from 2001, the majority of Poles wanted prostitution to be legalised; 61% stated that escort agencies and brothels should operate legally in Poland (Suława 2014).

In Poland, there are no regulations that apply to issues related to the health, hygiene, taxation, or organisation of sexual services. The practice of prostitution is legal in Poland, as is the purchase of sex services, whereas reaping benefits from someone else's prostitution is illegal. However, if the provisions of Polish law were to be interpreted literally, all activities aimed at providing sexual services and the use of such services would be illegal. Nevertheless, there is an unspoken agreement in Poland regarding prostitution. Throughout the country, there are thousands of 'escort agencies', private apartments, nightclubs, and pubs in which women (and

men, albeit in significantly smaller numbers) provide sex services. There are also people who facilitate or act as agents, which means they derive benefits therefrom, although law enforcement agencies barely react to this. They only do so when they have a specific interest in it or when this type of activity becomes a problem.

The issue of prostitution in Poland has never been the subject of extensive study and empirical research, though it cannot be said that the issue has been completely overlooked. The existing regulations have been and continue to be discussed (Mozgawa 2014), whereas problems related to human sexuality and the issue of remuneration for the facilitation of other people's sexual needs are discussed to a much lesser degree (Izdebski 2012). Nonetheless, few essays and scholarly reports regarding sexual services other than prostitution have been published. Recently, publications have appeared on this subject, but they are either purely journalistic or literary (Sender 2011; Dużyńska 2015). Some weekly periodicals have also published interviews with sex workers, which address issues of the conditions of sex work in Poland, the attitude of Poles to the profession, and changes in customs and safety (Wanat 2017).

Sex-related work is also of little interest to public authorities. It is almost completely absent from social programmes and action plans. From 2003 to 2010, the Ministry of Internal Affairs implemented a programme for the prevention of pathologies in children and youth, in which juvenile prostitution played an important role; however, the programme ended in 2010, mainly due to a lack of funds (HLUE 2011). On 12 September 2012, a document entitled 'Information on the "Implementation of the National Development Strategy 2007–2015"' (MRR 2012) was published. In this report, prostitution appears only once; it states that the programme will be useful in eliminating 'the risks to children and adolescents posed by sexual exploitation, child prostitution, and trafficking during the EURO 2012 championship', and related action steps were to be implemented by the Nobody's Children Foundation (MRR 2012).

If something as common as the practice of prostitution is found in relatively few academic publications in Poland, it is no surprise that scholarly studies on sexual services other than prostitution are also few and far between. There is information available on all of the activities described in the first section of this report; however, in Poland there is no organised body of knowledge on the subject. In our opinion, there are several reasons for this.

First of all, there has been no discussion of sexual services other than prostitution in Poland. Granted, it cannot be said that sex work in any form arouses particularly negative emotions in Poland, as the attitude of Poles to sex work is ambivalent. However, the phenomenon has always been considered somewhat of a public taboo.

Secondly, it is difficult to pinpoint an institution in Poland that clearly should be involved in the collection of information about sex work. As we can conclude from our survey of Polish citizens, Poles tend to associate the state's role in prostitution

and the intervention of the police with cases of disturbance of the peace (usually by the client). One stereotype that is becoming increasingly unrealistic is the belief that people who are active sex workers are deeply involved in criminal circles. Some Poles now believe that prostitutes work together with law enforcement agencies (Szafkowski 2014).

Thirdly, the sex service sector in Poland is not of particular interest to local governments. Local governments are limited to routine activities of security services and occasional repressive measures. From time to time, under the slogan of fighting moral deterioration, the authorities in some cities initiate action against escort agencies or nightclubs (*Chased away* 2005)¹³. However, when new nightclubs, sex shops, or escort agencies open, national regulations rather than local laws take precedence. For example, in 2017 we conducted several field studies involving institutions in Warsaw and Łódź¹⁴. Neither city was able to provide official information regarding sex service institutions, because they do not gather this type of data. Moreover, the business registration process for sex services is such that it is not possible to determine in detail the scope of the services rendered, because of the new Classification of Business Activities in Poland, which has been in force since 2004 (amended in 2007). The registration model adopted in this Classification is based on relatively broad categories which can include very different types of organisational units. For example, consider category 96.09.Z, defined as ‘Other personal service activities not elsewhere classified’, under which companies providing the following services may be registered:

- astrological and spiritualistic activity,
- escorts or marriage agencies,
- catching stray animals,
- hostess agencies, and
- tattoo and piercing parlours (*Wyszukiwarka* n.d.).

Brothels are registered under the guise of an escort agency and the classification of hostess agencies serves as a cover for call girl activities. With such broad categories, it is obvious that the registration office will not be aware of what the entity actually does nor will they be able to report exactly how many such entities there are in a given city. In the pre-2004 registration system, the person registering a business had to describe in detail what they were planning to do. Thus, changes in legal regulations have been detrimental to the public authority’s knowledge.

Fourthly, the sex services sector in Poland is by no means endowed with legal and organisational solutions that would guarantee the highest standards of work

¹³ For example, consider the crusade started in 2004 by the Mayor of Warsaw, Lech Kaczyński, who later became the President of the Republic of Poland.

¹⁴ We made many phone calls to find out what Polish local authorities knew regarding the number of such institutions, the registration procedures, and any social problems related to their operation.

for the individuals providing these services. According to an erotic dancer whom we interviewed in July 2017, people dancing in clubs are usually employed without a contract. This means that they do not fulfil tax obligations, which for example causes difficulty if they would like to buy a home. In a press interview, a young woman who worked in a ‘webcam studio’ (cybersex company) spoke about her negative experiences in the workplace (Krawczyk 2017). She received half of what she was promised she would make and she noticed a widespread lack of trust among her colleagues. The employees of the studio were able sign a contract of employment; however, at the same time, the worker was required to sign a promissory note for 10,000 PLN (2,400 EUR), which had to be paid when the contract was terminated. Therefore, most of them choose to work without a contract. Currently, the woman is self-employed and earns twice as much as she did in the studio.

The fact that there is no reliable knowledge about sexual services other than prostitution in Poland does not mean that these activities do not take place. On the contrary, all of the sexual activities specified at the beginning of the article are found, in many different forms—and they are relatively common. Activities such as phone sex, cybersex, erotic massage, sexting, and sex sponsoring have become normal functions for various social groups. In our research, we easily identified ten websites offering phone sex and a similar number of sites arranging contact with individuals offering erotic shows. The number of webcasts on one of the most popular Polish sites (showup.tv) varies between 150 and 300, and the number of viewers between 6,000 and 13,000 each day. Erotic massage services are equally popular in Poland, and advertisements for such services are available on sex sites as well as on almost all commercial websites. In Poland, the first publications on orgasmic meditation have appeared (Witt 2017). However, erotic massage as an alternative to prostitution has also had significant consequences, such as the use of therapeutic treatments to initiate sexual relationships. There is an increasing number of complaints from masseurs and physiotherapists claiming that they have been victims of sexual abuse by patients (Opolska 2017). There is less information about the reverse, that is, massage therapists who cross the boundaries of their profession.

Both Polish youth and parents have been aware of sexting for some years, due to the significant number of publications on this subject, including recent reports of suicide and blackmail (Zamieścił 2017), which draws attention to the darker side of this trend. On the other hand, it is undisputed that the most popular sexual service other than prostitution in Poland is sex sponsoring; this service even became the theme of a popular Polish movie several years ago.¹⁵ On 18 November 2017, the most popular Polish site for this type of service (sponsoraszukam.pl b.d.) had 1,186 pages, with thirty advertisements on each, rendering 35,580 advertisements in total. Even if many of the advertisements were duplicates, this number appears to be significant, and this is not the only portal where Poles can advertise this service.

¹⁵ “Sponsoring”, directed by Małgorzata Szumowska Poland, France, Germany from 2011.

There are discrepancies in the research regarding the involvement of students in such activities. Some researchers claim that young students may comprise up to half of sponsees (Klonowska 2016), while more reliable estimates cite a figure of 20%–25% (Kowalski 2017).

Since sexual services as described herein occur to a large degree in Poland and draw media attention, how is it that the state seems to show no interest in them? Why is there no dedicated research programme on this topic in Poland? How is it possible that in a country in which the problem of human trafficking is serious, there is no strategy to control the phenomena described in order to eliminate the threat of enslavement? It should be noted that this situation is not restricted to Poland. As far as Poland is concerned, we have reasons to believe that this paradox cannot be explained only by the incompetence and opportunism of the Polish government.

The problem should be analysed through the prism of Poland's history and its current economic situation. After two centuries of dramatic events, in 1989–1990 Poland regained national sovereignty and the ability to organise its economy in accordance with global market standards. Over the following decades, Poland achieved great success in this regard and became one of the prime examples of economic development in Europe. However, success comes with a price. In Poland's case, this price included significant social stratification and relatively low interest shown by central authorities in social issues. It can be said that as far as social matters are concerned, Poland became a victim of its economic success. Some social issues have been sacrificed in order to build a strong economy based on liberal examples. Memories of socialism as a destructive system caused any attempt to lay the foundations of a welfare state to end in disaster¹⁶. For example, there has been a dispute over the role of the state in culture for many years. Some prominent politicians have made statements proposing the marketisation of culture (Pawłowski 2009), while others have said that the state should be a patron of culture (*Polska* n.d.). On the other hand, the idea of 'small government' has been extremely popular in Poland for the past two decades. While the principle in itself is good, it has been deformed in many aspects. Simplifications in the legal registration of shops and clubs has made it impossible to know how many sex service institutions there are in Poland. Moreover, the liberal approach to the labour market has caused millions of people in Poland to work under contracts with very low—if any—standards of protection, and tens of thousands of sex workers to work without any legal protection at all.

¹⁶ This is one of the secrets to the success of the political party currently in power—the Law and Justice Party (PiS)—which has not been ashamed to refer to the ideals of social solidarity. After its successful election, the government introduced the programme '500+'; in essence, anyone who has more than one child receives 500 PLN (120 EUR) 'for nothing'. It is this socialist distribution of money that is a source of popularity and that provides strong social support for those in power.

4.4. Sweden

Since 1 January 1999, Swedish law has penalised activities that involve the purchase of any sexual service¹⁷; attempts to buy sexual services are also penalised¹⁸. However, the provision of such services is not regulated by legal sanctions. In other words, the provision of a sexual service is legal, whereas purchasing such services is not. This approach stems from the idea that individuals who provide sexual services must be covered by special protection because there is a risk that they may become victims of exploitation or of another crime, such as human trafficking.

On the other hand, the creation and distribution of pornographic photos and videos, even among persons under the age of eighteen, are legal in Sweden, on the condition that no payment (financial or non-financial) has been received for their creation or distribution. Therefore, indecent images can be legally exchanged without any hindrance, and this action will not be punishable as long as no payment is made. Nevertheless, public exhibition of pornographic content is prohibited¹⁹.

We investigated whether Swedish law governs the issue of sexual services other than prostitution, and how the state reacts to such activities. In Sweden, sex services²⁰ are not limited to classical prostitution but are understood quite broadly:

¹⁷ Section 11 of Chapter 6 of the Swedish Penal Code: 'A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most one year.

The provision of the first paragraph shall also apply if the payment was promised or given by another person.'

Swedish Ministry of Justice: http://www.government.se/contentassets/602a1b5a8d65426496402d99e19325d5/chapter-6-of-the-swedish-penal-code_unofficial-translation_20140922.pdf [accessed 17 November 2019].

¹⁸ Section 15 of Chapter 6 of the Swedish Penal Code: 'An attempt to commit rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a position of dependency, gross sexual exploitation of a person in a position of dependency, rape of a child, gross rape of a child, sexual exploitation of a child, sexual abuse of a child, gross sexual abuse of a child, exploitation of a child for sexual posing, gross exploitation of a child for sexual posing, purchase of a sexual act from a child, purchase of sexual service, procuring, and gross procuring shall be dealt with in accordance with the provisions of Chapter 23.

This also applies to preparation for procuring, and to preparation for and conspiracy to commit and failure to reveal rape, gross rape, rape of a child, gross rape of a child, gross exploitation of a child for sexual posing, and gross procuring.'

Swedish Ministry of Justice: http://www.government.se/contentassets/602a1b5a8d65426496402d99e19325d5/chapter-6-of-the-swedish-penal-code_unofficial-translation_20140922.pdf [accessed 17 November 2019].

¹⁹ Section 14 of Chapter 2 of the Swedish Penal Code: 'Public appointments which constitute a pornographic performance must not be organised.'

²⁰ For the purposes of this section of the study, sexual services are understood to mean all activities related to the practise of prostitution, including sexual services other than prostitution. The authors have adopted a broad definition because the term sexual services is equally broadly understood in Sweden. Furthermore, when various documents refer to the provision of these services, it is difficult to

it is forbidden to use such forms of sexual services as webcam sex, phone sex, massage parlours, and exclusive call girls, among others (eucpn.org n.d.). This broad understanding of the provision of sexual services has resulted from the fact that when prostitution was discussed in Sweden in the 1990s, advocates of the ban on purchasing such services justified the proposed solution by claiming its commercial provision was a form of exploitation and discrimination against women and girls (Cho, Draher, Neumayer 2013). Moreover, to justify the changes in the law in 1998, the Swedish Parliament stated that the changes were intended to penalise the purchase of sexual services and stated that prostitution is an act of violence of men against women (Raymond 2004: 1158). Currently, another argument used in support of Sweden's approach to prostitution and sexual services other than prostitution is that prohibiting the purchase of sexual services eliminates human trafficking for the purpose of providing sexual services (BRA 2008).

Undoubtedly, the provision of sexual services in Sweden is changing. There is increasingly less street prostitution (for example, in Gothenburg) and more provision of sexual services using the internet and mobile telephones (polisen.se b.d.). Data from the Swedish police (Polisen 2009), the National Board of Health and Welfare (*Prostitution* 2007), and the Swedish National Council for Crime Prevention (BRA 2008) confirm that the sale of sexual services occurs primarily through the internet, mobile telephones, and mobile applications.

Stockholm authorities also recognise the problem of controlling the provision of sexual services, including sexual services other than prostitution, especially when contact with clients is established through online chat rooms, social networking sites, or mobile applications (*Prostitutionen* 2015). These problems are due to the fact that law enforcement agencies lack sufficient knowledge in this area and the resources to be able to effectively counteract such phenomena (Hällås 2014). Another issue related to the provision of sexual services is that posting advertisements is not a crime under Swedish law. On the other hand, the prosecution of clients using the above-mentioned methods can become quite difficult, particularly when it comes to situations where there is no direct contact between the client and the sex worker (for example, webcam sex). If the Swedish authorities wanted to consistently implement the regulations adopted in 1999, they would have to block certain websites, as some politicians and activists have proposed doing (Singh 2016).

It is also worth noting that despite Swedish legislation, the provision of sexual services, including sexual services other than prostitution, is not a marginal issue²¹ (Prostitution 2016) but an ongoing, current social problem that the Swedish

determine which services they refer to: classical prostitution or activities that the authors have defined as sexual services other than prostitution.

²¹ The data of regional-level investigations in Norrbotten, Västerbotten, Västernorrland, and Jämtland show that in the period 2014–2016, between 8,234 and 9,694 advertisements about their provision were identified, while between 2,036 and 4,894 profiles were identified (Prostitution 2016).

government is aware of (Förbud 2010). Research has also confirmed that sexual services are being purchased in Sweden, as is the case of some restaurants, casinos, and ferries to and from Sweden (Socialstyrelsen 2004; *Prostitution* 2007; Holmström 2008; Holmström, Skilbrei 2008). When it comes to sexual services other than prostitution, there are several examples that exist in Sweden, including sexting, phone sex, cybersex (webcam sex), erotic dance, erotic massage, and call girls. In addition, the police believe that sexual services are also provided in strip clubs and body-care salons that officially function as massage, spa, or beauty salons (Polisen 2009). In practice, these places are only a cover for their actual activities.

For example, phone sex is less popular than sexting, but it still exists in Sweden (chattamedmig.se n.d.). However, these types of services are most likely losing popularity and being replaced by more modern forms, such as sex chat, webcam sex, and various types of social networking sites (*Night* n.d.). Research conducted in Sweden shows that a small percentage of all schoolchildren (below eighteen years of age) have provided sexual services in exchange for some form of payment (1% of girls and 1.8% of boys) (Svedin 2007: 21–32). At the same time, results of other studies show that nearly 21% of eighteen-year-olds reported experiences of voluntary sexual exposure (sexting) (Jonsson et. al 2014: 182). Studies carried out in Skåne (Southern Sweden) have shown that out of 985 adolescent respondents, three quarters had participated in webcam sex, but without any form of payment. On the other hand, one third had participated in webcam sex for profit. This shows that the internet plays a significant role in commercial and non-commercial sexual contacts, including for young people, not solely among adults who both provide and buy such sexual services. There are also special erotic social networking sites (start.xdates.se n.d.) that allow people to make friends and send photos. However, it is difficult to determine whether or not paid provision of sex services can occur via this site; if a client pays for webcam sex, under Swedish law the client is committing a crime and is subject to prosecution (eucpn.org n.d.). Nevertheless, it is not prohibited to send erotic photos or videos.

Regarding lap dances (stripteases), Section 14 of Chapter 2 of the Swedish Penal Code states that ‘public appointments which constitute a pornographic performance must not be organised.’ Furthermore, since 1982, ‘pornographic performances’ have been banned. However, during the time when pornographic performances were permitted, the clubs located in Skåne were extremely popular. Nowadays, these types of sexual services are occasionally performed in Malmo nightclubs (Project-desire.eu n.d.). Specifically, dedicated strip clubs are currently being heavily investigated by local authorities and such establishments do not receive permits to sell alcohol. This is a somewhat peculiar although effective way of eliminating this type of clubs. This example clearly shows that there are also other non-statutory methods of restricting the functioning of such activities so that local authorities can control sexual services other than prostitution by means of administrative decisions.

There are also erotic massage parlours in Sweden in which sexual services are also provided. And although there is no comprehensive data on this topic, an

analysis of articles shows that they are very popular, particularly Thai massage parlours (Funke 2013). One newspaper report states that thousands of people can access sexual services in only two massage parlours in Uppsala (Svensson 2016).

When it comes to exclusive call girls, according to Stockholm authorities, the scale is much larger than a decade ago. From 2006 to 2014, the number of advertisements increased from a mere 304 to 6,965 (*Prostitutionen* 2015). This significant increase can only be interpreted to mean that the supply of such services has increased.

It follows that the legal and political solutions adopted in Sweden are imperfect in terms of eliminating sexual services other than prostitution. While the state is able to some degree to control the phenomena that the authors refer to as classical prostitution (for example, street prostitution or sex services provided by escort agencies), sexual services other than prostitution, such as webcam sex and sexting, are practically beyond state control. The only exception is the previously mentioned strip clubs.

5. Conclusion

In conclusion, we wish to return to the question of whether sexual services other than prostitution can establish conditions for any form of dependency or enslavement, thus the compulsory provision of such services, and if so, to what extent?

Our initial hypothesis stated that this threat is directly proportional to the degree of organisation of the social setting in which the service is provided. In our view, in situations where there is any direct interaction between people or institutions in the provision of sex services, such as mediation to reach clients or the organisation of someone else's sexual services, the risk of human trafficking is high. On the other hand, in situations where the person offering sexual activity is a 'freelancer' and is fully autonomous in their decision-making process (e.g. choice of client), the risk of human trafficking or any exploitative practices is definitely smaller, though not non-existent.

From this perspective, 'sexual services other than prostitution' can be divided into basically two categories. The first, which we consider 'safe', or at least safer, includes phone sex, cybersex, sexting, sex sponsoring, and call girls. On the other hand, we propose that the 'at-risk' category should include all forms of erotic dance, including peep shows (in the form in which they occur in Poland), erotic massage, BDSM, and *galerianki*.

At this stage of the research, asking the question and proposing potential methods for finding the answers must suffice. This is why the research hypothesis and the proposed breakdown of 'sexual services other than prostitution' are considered to be initial proposals for further studies and research. We believe

that a verification of the research hypothesis and an investigation of the proposed breakdown based on empirical data may prove to be an interesting and rewarding research project. We intend to undertake such research and to encourage others to do the same, as the results can be of great value for the design of effective and rational state responses to the various existing forms people employ to satisfy their sexual needs.

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