

The double face of sex work in Greece: Regulation by law and uncontrolled prostitution's market

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1.Introduction

In the first quarter of 20th century the Regulative System of prostitution was introduced in Greece imposing registration, medical control and confinement of women in public “houses of tolerance” (“oikoi anochis” in Greek) organized by the police (Psara/ Florentin, 1980; Lazos, 2002). Although brothels were privatized after the second World War they still remain spatially confined (Lazos (a), 2002: 91-102b; Pisimissis, 2010; .Fragopoulos, 2014). With the exception of military dictatorship's period the regulatory system has been repeatedly reaffirmed by Law in 1958, 1981 and finally in 1999. Both selling and buying sexual services are allowed but all acts of mediation of every person involved in the provision of sexual services is forbidden by penal Law. However the Greek prostitution's regulation system presents severe implementation problems as it demands celibacy from women involved and unrealistic conditions to be met in order to obtain a business address in order to legally exercise the profession, especially in big cities.

In addition the public debate on prostitution shows the ambivalence of Greek society towards selling sexual services. Although prostitution is legally acceptable it is culturally considered to be a shameful exchange for the women involved which are socially stigmatized. Especially until the end of 1980 prostitution was an isolated

social space and preserved a distinct culture and identity (Petropoulos, 1991). During the '90ies as prostitution market has rapidly expanded and differentiated, cultural attitudes towards commercial sex have changed (Abatzi, 2009: 65). Attitudes towards sexuality and prostitution have been modernized in Greece, in parallel to a general modernization of Greek society.

Also commercial sex's market has followed the broader Greek developmental pattern, according which the clandestine economy and the illegal migrant workers play a crucial role. Female illegal migrants have been exploited being cheap, kept at ransom and socially isolated labor force (Psimmenos, 2000; Lazos, 2001a; Papanicolaou, 2008; Abatzi, 2008). From the year 2000 up to today the media have depicted prostitution as a problem connected to illegal migration and sex trafficking and therefore also as a problem in need of policing and social services.

Nowadays the interviews with the responsible of Athens' Municipality special service record the law enforcement's problems in Athens due to which the service instead of providing permits to persons in order to obtain places to exercise the profession, seals illegal functioning brothels. The recent legislative reform does not solve the problem. The debate on the criminalization of the client, as it is already the case in the Nordic countries and France has not yet opened in Greece. May be because the regulation of prostitution involves ethical issues and strongly divides public opinion. This would add more pressure to the anyhow overloaded Greek political system by its effort to deal with the social problems generated by the adjustment's measures after the crisis.

2. Legal framework

According Greek law (see table 1) prostitution does not constitute in itself an offense for the person who offers or receives sexual services for money. Selling sex is considered a professional activity, administratively regulated by specific law (L.2734/1999 about “Persons who offer themselves for money” modified by art. 12 of L.2839/2000) and ministerial decisions in order to protect public health and public order. According article 1 of L.2734/1999 specifically regulating prostitution a person selling sex must be 18 years old, unmarried, divorced or widowed. In addition this person is obliged to dispose of a certificate of exercising the above mentioned professional activity and to obtain a license for a place where he or she can exercise it. The certificate is issued by the Prefect (for a short period of three months) provided that a number of legal requirements are met such as that the person, does not use drugs or is not convicted for a number of criminal acts including procuring or pimping. The condition of having never been married (which violates women’s constitutional right to marry and create a family) was added during the discussion of the law project in the Parliament (1999) and it seems to have been a necessary compromise between abolitionists and regulationists (Fytrakis & Paraskevopoulos, (2011)). Legal migrants may also apply for a license provided that they have residence and work permit.

In order to obtain a practice license for a place the person must have the consent of all the owners and tenants of the building where the house or apartment is located. This is rather difficult (if not impossible) to attain! License is given by Municipality’s special service with the assent of a Committee (where the Prosecutor, the Director of Sanitary and the Director of Police are represented). However practicing prostitution in neoclassic buildings (which must be preserved for historical reasons) is prohibited. In addition licensed premises must be further than 200 m from schools, hospitals, youth and athletic centers, libraries, children’s playgrounds and squares. L. 4238/2014 (art. 49) has also added luxury hotels (of more than three stars). As far as the form of profession’s exercise is concerned persons selling sexual services can be self-employed. They are forbidden to form any kind of company but one can “share” his/her license with maximum two others after declaring it. Penalties

of imprisonment are provided for trespassing the above mentioned obligations as well as for active or passive soliciting that is efforts to attract customers (1 year) or provoking publically for sexual intercourse (3 months).

In addition there are several laws that indirectly seek to control and regulate prostitution. Mostly the Penal Code targets all persons benefiting from and exploiting someone in prostitution, but also targets persons who mediate or promote commercial sexual services. It also targets boyfriends and men, “living from a prostitute’s immoral earnings” as well as persons who provide premises for prostitution or publish telephone numbers and electronic messages as this is considered “crimes against sexual freedom and crimes of economic exploitation of sexual life” (Moraitis, 2011). The crimes are seen as aggravated if the person being exploited is a minor, a vulnerable or a trafficked person (L.3064/2002 on trafficking victims). In the case exceptionally the law punishes only those clients who had knowledge that the person in prostitution was victim of trafficking (Symeonidou-Kastanidou, 2003:41). This part of the law was introduced because of ratifying the Palermo protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

3.National Discourses about Prostitution

Historically (until late ‘70ies) the dominant discourse in Greek society was characterized by a profound ambiguity. Women in prostitution were considered persons of lower moral quality, called “common women” (koines in Greek) that is women that everybody can have. At the same time however prostitution was depicted as necessary for the society in its whole because of uncontrollable sexual drive of men. Therefore it should be spatially confined and regulated by the State. This type of discourse was in accordance with prevailing sexuality’s values of Greek,

Mediterranean Code of Honor and Shame regarding male and female bodies and their sexuality (Peristiani, 1965; Loizos/ Papataxiarchis, 1991). Women should preserve their virginity until their marriage and after marriage their virtue whereas men should lose it at the earliest possible and reaffirm continuously their virility through sexual intercourse with prostitutes.

Until late 1990 for male adolescents purchasing sex was seen as a kind of initiation ritual to manhood. Thus it was conceived as a natural part of the national construction of masculinity. Contrary to their male clients and despite their social function, women in prostitution were stigmatized. As far as selling sex for money (or other material rewards) between men is concerned, it was coded according the social representations of male sexuality and the passive/active sexual roles (Yannakopoulos, 1995). The masculinity of male sex workers was not seen as threatened as long as they performed the active role, regardless of the sex of their clients.

During the dictatorship at '70, alternative discourses about female sexuality and women's autonomy rights coming from feminist groups, mostly sections of (illegal) political parties (organized outside the country) have gained considerable influence. Brothels were closed (by the dictatorship) and abolitionists from right and left brought about a legal reform which however has not subverted regulation's principle in its essence. In the '80 a radical discourse has been articulated from autonomous feminist organizations which have claimed the recognition of the right to women in prostitution to speak for themselves and their rights (Psara/ Florentin, 1980). Sporadically female prostitutes express themselves through journalists (Nakou, 1981; Chatzi, 1980). However it has remained marginal with limited political influence. Greek society dramatically changed during the '90. Gradually through economic development, political stability and cultural change alternative sexual

norms have been diffused (especially after the TV's privatization) including social representations of prostitution. On the one hand sex has also been defined as a commodity that everybody can consume (depending on his or her economic and social power) through various forms of entertainment combining traditional and modern characteristics widespread all over the country (video shops with pornographic movies, night bars, gay bars, striptease shows, beauty and massage centers e.t.c.).

To some extent prostitution is normalized in the Greek society. Clients in prostitution have for example avoided the stigma and negative associations. Rather the average client is imagined as a middle class, heterosexual man of the sort that lives next door to you and who enjoy sex void of obligation (*Ta Nea*, 2010). This stereotype has not been challenged by research and to some extent the lack of studies illustrate that the need to seek commercial sexual services is seen as unproblematic. For example an interview study of 30 clients found that the majority of the interviewed were between 26-35 years old and had completed tertiary education. Most of these men stated that they seek commercial sex in brothels and that they purchased sex on a regular basis, 2-4 times a month (GSGE, 2015: 89-109). Also the analysis of new social media . reveals social perceptions about sexuality, gender identities and commercial sex (Kanakis, 2007) which inform us about recent trends of sex's commercialization.

After the onset of the economic crisis street prostitution is increasingly depicted as a dangerous activity linked with criminality and HIV infection. Male illegal migrants are typically depicted as criminals whereas females are both depicted as dangerous vectors of disease and potential victims of crimes (Zavou/ Kabouri, 2013). Thus street prostitution, due to its visibility is framed as not only being a

problem of social and public order, but also a public health concern. Only rarely do we find that social and labour market exclusion of migrant populations is politically challenged, or that the diversified experiences of female migrants thematised by mainstream media and public discourse..

However there are signs of an alternative discourses outside the mainstream media outlets where prostitution policy is debated in somewhat alternative ways. For example, “Lifo”, a quite popular Athenian, youth newspaper (www.lifo.gr, 2013a) often talks about male prostitution describing the way young, migrant sex workers negotiate the rules. The same newspaper informs about sex market’s new trends such as more discrete places to practice (www.lifo.gr, 2013b). Or, “adultform.gr”, a website where female sex work’s services are being evaluated by their clients, informs about the invisible forms of contemporary prostitution exercised through the Web and the social media by Greek women with higher education and social position and thus at least expected to sell sexual services (www.espressnews.gr, 2013). Although these discourses do not have strong political impact they have a growing cultural one.

3. The Prostitution Sector

In Greece until the end of ‘80s statistics on sex workers have been scarce, limited and discontinuous (Koutsoumaris, 1963). There are some more difficulties: annual police statistics are aggregate data and they don’t follow standard definitions and data from Prefectures, Municipalities and Medical clinics for venereal diseases or HIV are fragmented. Moreover there is lack of academic research and scientific literature about prostitution in Greece (Weitzer, 2014;Papanicolaou, 2008).

From 1920 until 1980 prostitution in Greece was practiced mainly by women in brothels, located in the centre of big cities and ports in particular in Athens, Piraeus and Thessaloniki (Fragopoulos, 2014). At Piraeus port for instance, a closed

complex of buildings named “Vourla” existed until 1937 in an area of 12000 m², a ‘ghetto’ in which there were 70 brothels. They were organized by local municipality and controlled by the police. In 50ties an informal red light district was gradually developed by local pimps called “Truba” which flourished especially in the aftermath of WW II because of the American Navy’s regular presence (Lazos (a), 2002: 91-102b; Pisimissis, 2010).

According to the first scientific attempt to describe Greek prostitution market organization at the end of the ‘80s, 280-290 brothels function all over the country and about 45 of these without a license. There were some limited zones of street prostitution within the same districts (Lazos, 2002a:273). However, since the beginning of the ‘90s prostitution market has changed profoundly. According media reports (Ta Nea, 1994; Apogevmatini, 1993) gradually street prostitution zones were enlarged and the country of prostitute’s origin has been diversified as well as their gender.

In 20ties there has been created a new type of prostitution next to the old one (in brothels, hotels, streets) practiced in new premises (bars, clubs, strip-tease night clubs, massage parlors) and via new mass media (newspaper’s “pink advertisements”, magazines, telephone and internet, usually operating within a semi-legal framework as in Greece prostitution in brothels is the only area of sex commerce that is regulated (Lazos, 2002a ; Pajnik et al., 2015: 4).

This change results also through the successful promotion of illegal female migrants from ex socialist countries by international traffickers in collaboration with local pimps (Emke-Poulopoulos, 2001; Abatzi, 2008; Sykioti, 2003). Greece experienced one of the highest rates of female migration in Southern Europe in the period 1985-1995 (Anthias and Lazaridis eds, 2000; Maratou-Alipranti, 2007;

Alipranti-Maratou, 2011; Maratou- Alipranti, 2012). According to Lazos, this has created a developmental boom as both demand and offer have been expanded and diversified and he bases his conclusion on data provided by the Police, the Ministry of Public Order and the International Migration Organization (Lazos, 2002(a):112).

At the end of '00 according the European program Transnational AIDS/STD Prevention among Migrant Prostitutes in Europe (TAMPEP) reports (8/2010) the number of sex workers in 2008 was estimated at 10.000 (in Athens) by the police and NGOs. However it may be overestimated because of their increasing mobility. Migrants sex workers percentage was estimated at 73% of the total and regarding country of origin 48% were from Eastern European countries, 22% from central European and 15% from African ones. They are geographically spread in major cities and less in rural areas. As it is mentioned migrant sex workers tend to work more in the streets, in a percentage of 45% (TAMPER, 2010).

In fact the modernization of sexual services was promoted through indigenous business with a legality façade of sexual services businesses (Lazos, 2002a; Papanicolaou, 2008) by the new media technology. Greek citizens ceased to be the sole prostitute population and illegal migrants (mainly from Balkan and East European countries) have been working in the new type of sex entertainment businesses, which in most of cases had a semi-legal status (Emke-Poulopoulos, 2001; Psimmenos, 2000; Zavou et al. eds, 2013). This was a kind of “hidden prostitution” as many foreign women have been employed as waitresses, hostesses and dancers in private establishments. Other forms of prostitution have included masseuses, strippers, pornographic video actresses, entertainers and beauticians. However in Greece prostitution is the only area of sex commerce that is regulated (Pajnik

et al., 2015: 4). The use of the internet for seeking sexual services occupies gradually an increasingly important place (GSGE, Study, 2015; Pajnik et al., 2015). According a recent study 13 sites were identified and 2.800 announcements in five days period while the brothel is indicated as studio. These developments contribute without a doubt to the transformation of the brothel to sex product for purchase and use, weakening prostitution stereotypes and transforming sex product to a more private affair (GSGE, 2015).

4. Local Policy and Policy Implementation

In Greece, there are different administrative jurisdictions and various agents involved in prostitution policy: a) local authorities b) police and criminal courts, c) public health services and d) NGOs and other civil society's organizations.

First municipalities are responsible for licensing the premises and for closing down the unlicensed ones. Law requires equally a 200m distance from an incredible list of places. Especially in Athens and big cities (extremely densely built and inhabited) the conditions required by law are highly unlikely to be found. Women in prostitution (at least those holding a Greek citizenship/national passport) are licensed and medically tested but they are obliged to work in illegal premises. Therefore selling sex has become de facto illegal! The problem has been created because of the disproportionate balance of interests originally made by law. The protection of youth and respect of public morality are recognized to their maximum degree whereas freedom of self-disposition (including sexual autonomy) and personality development through exercising a professional activity to their lowest (Alivizatos, 2003).

Before spring 2003, law for license process could not be applied by the municipal authorities because the necessary ministerial decisions had not been issued.

After their issue, Athens Municipality in particular, created a special office responsible for the so called “houses of tolerance”, as brothels are called in Greek (Act 981/17-5-2003, Athens Municipality Council). However according Athens municipality’s special service for licensing (Propositions of reform L.2739/1999, 1/11/2011) only 3 brothels were licensed the last ten years (whereas during the last three years 135 closing down decisions and 680 decisions to reseal illegally re-functioning brothels have been taken). Meanwhile every year the number of applications for brothels’ licensing has been reduced. As a result, the office is exclusively busy with the administrative punishment that requires the closing down of the illegal brothels (estimated at 300) again and again as their owners repeatedly reopen the sealed houses either illegally by just restarting the business, or legally by getting a court decision which suspends the application of the Municipality’s order.

Secondly, the repressive aspect was intensified from the moment the legislator has introduced (by art. 56 of L.4249/2014) the penalty of imprisonment for 3 months (at least, without suspension) to whoever contributes to the function of a closed down illegal brothel by offering any kind of service or work for it. As a result, new anti-trafficking policy increased the powers of police and the importance of criminal justice actors. The Police has increasingly taking a more active and punitive role by targeting particular populations involved in prostitution (mostly female, migrant and drug addicts). Therefore, questions concerning the respect of migrant women rights and the margins of police discretionary power have been risen (Kaminis, 1999).

Thirdly simultaneously, public health services became important agents in prostitution policy. They have performed systematically medical tests without charge for persons that practice legally commercial sex (Lazari/ Laliotou, 2001:40 & Kambouri, 2013). Some of them, for example the “Hellenic Centre for Infectious

Disease Control and Prevention” (H.C.I.D.C.) have been working at the field (in the street or illegal brothels) providing leaflets about HIV, condoms and medical tests for free in the framework of European programs, such as “TAMPEP” -Transnational AIDS/STD Prevention among Migrant Prostitutes in Europe.

Fourth, the role of international NGOs and civil society’s associations in prostitution policy making became manifest. The last decade various associations funded by international, national or private actors have made themselves legitimate partners in prostitution policies. Some of them work in the framework of Greek anti-trafficking Policy and the various actions undertaken by the Ministry of Public Order (such as operation of a SOS hotline for victims of trafficking and hostels for accommodation) during the period 2001-2010. Others offer psychological and emotional support as well as legal, medical and financial aid also under the auspice of the General Secretariat for Gender Equality. Even when they are connected to the overall immigration policy and less to the protection of women in prostitution or victims of human trafficking they function as a network of solidarity (Abatzi, 2008 & Kambouri, 2013, GSGE, 2015). Some others like the “Marangopoulos’ Foundation for Human Rights” or the “Observatory for Helsinki Treaty” work since long ago for the defense of human rights and have gained a considerable institutional prestige. Some associations tend to use charity language. With Charity language we mean a clear focus on passive victims. In opposition to this form or rhetoric we also find a rights based language centered on a sex workers rights perspective such as the one used by LGBT associations and Greek Association of Support to Transgender. Given the broader social confusion and ambiguity (Chaumont, 2009) it is not always easy to

discern but in any case any effort to assert the respect even of their basic rights should be acknowledged.

5. Impacts of prostitution policies on the working and living conditions of sex workers

Given the above mentioned situation persons selling sex, working indoors are practically obliged to work in illegal premises, especially in big cities. Their professional life is impeded and their social one is affected too. They run the risk of being arrested although they exercise a legal professional activity. For those which work in the streets the more repressive migration policy has made their lives more difficult.

According to TAMPEP migrant sex workers have been forced to relocate themselves from cities' center to the peripheries or they have spread all over the cities' neighborhoods, working indoors in illegal premises named as massage or beauty centers (TAMPEP, 2010). Some others especially the ones with less social recourses (most of them illegal migrants) have remained in the streets not being able to negotiate properly their prices or the safety measures against the risk of being affected by HIV, Hepatitis or venereal diseases (TAMPEP, 2010). Their relationships with police officers have been deteriorated and they hesitate to ask for their protection when they become victims of violence. Lack of trust comes as a result of ambiguous sex working status too.

6. Sex workers organisations

Female, male and transgender, national or migrant sex workers should be given voice to collectively express themselves (Abatzi, 2008) through their organizations. In

Greece the best known one is the “Association of persons providing commercial sex”/SEPE, which was established in the 80ties .

Sex workers demand a legal reform which would recognize their full membership in society by regulate sex work in a more realistic way and providing them with social security in accordance with the tax they are forced to pay (including the added value tax!). The Association fights for abolishing all restrictions to exercise the profession and the possibility to legally offer services all over the country. There is also the Greek LGBT defending the rights of homosexuals and the Association of Support of Transgender which talk publically or mobilize public and private agents defending human rights of their members including sex workers when they become victims of violence or discriminations because of their sexual identity.

After the economic crisis in 2008 the vulnerability of illegal migrant women in street work prostitution has been manifested (Christopoulou and Lazaridis, 2011). Some of them have been arrested and accused of spreading HIV infection and their basic human rights of privacy have not been respected through their identification with the HIV virus (Sioula –Georgoulea, 2015).

Conclusion

Prostitution is regulated by law as a profession in Greece. According legal provisions the main purpose of policy implementation should be divided into two; to secure medical control of prostitution in the interest of public health and to regulate the use of public spaces for prostitution. However the law is flawed in the sense that it is

extremely difficult for sex workers to obtain administrative permission in order to exercise their profession. Therefore the larger part of the sex market operates illegally and many female and male sex workers remain invisible, marginalized and in a vulnerable situation. Thus Greek state fails to provide social security or health rights to individuals who perform sexual services for a living or identify themselves as sex workers. At the moment the legal framework and the policy for sex workers are not to be revised but there are some voices which questioned them in the Greek Parliament.

As far as the public discourse is concern immediately after the economic crisis the public dialogue about street prostitution policy was associated to trafficking, illegal migration, criminality and H.I.V. infection. Recently the use of the internet for seeking sexual services occupies gradually an increasingly important place contributing to a widening of social acceptance of the prostitution and to the transformation of the offer of sexual services to a more private affair.

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