PROSTITUTION IN CROATIA AND SLOVENIA

Sex Workers’ Experiences

Ivana Radačić & Mojca Pajnik (Eds.)

INSTITUTE OF SOCIAL SCIENCES IVO PILAR

Peace Institute
Institute for Contemporary Social and Political Studies

Zagreb 2017
Acknowledgments

We thank all our interviewees for sharing their valuable expertise and knowledge with us. This study wouldn’t be possible without their helpful cooperation.

The book is dedicated to sex workers and their struggle for equality and human rights.
CONTENTS

Ivana Radačić & Mojca Pajnik

Introduction .............................................................................. 11
Prostitution in a Post-Socialist Context ................................. 11
Prostitution in a Legal Context ............................................. 13
Research Objectives .............................................................. 16
Methodology ........................................................................... 17
Ethical Issues ........................................................................... 21
Data Analysis ........................................................................... 21
Structure of the Book ............................................................. 22
References ............................................................................... 23

CROATIA

Ivana Radačić

Prostitution Policy and Practice: Criminalisation Framework

Introduction .............................................................................. 27
Legal Framework ...................................................................... 27
The Act on the Misdemeanours against Public Order and Peace and its implementation ................. 27
The Criminal Code .................................................................. 28
Implementation of Laws .............................................................. 29
Official Data on Misdemeanours and Criminal Offences ........ 29
Practice of the Misdemeanour Courts in Zagreb and Split .......... 30
Practice of the Municipal Criminal Courts in Zagreb and Split ..... 33
Data, Research, Discourses and Policies .................................... 35
Concluding Remarks .................................................................. 37
References ............................................................................... 37
Ivana Radačić & Lynette Šikić Mićanović
Sex Workers and Sex Work: Complexity of Experiences

- Introduction .................................................. 39
- Sample ....................................................... 40
- Pathways into and Reasons for Sex Work .................. 43
- Organisation of Work ........................................ 47
- Stigmatisation and Illegality of Work ....................... 49
- (Lack of) Services and Support Systems ................... 51
- Concluding Remarks ......................................... 53
- References ................................................... 53

Stephanie Stelko
Relationships with Clients: Business, Socialising and Violence

- Introduction .................................................. 55
- Client Profiles and Reasons for Seeking Commercial Sex .... 56
- Negotiating with Clients and Addressing Risks ................. 57
- Experiences of Violence ..................................... 61
  - Physical and Sexual Violence ................................ 61
  - Economic Violence ........................................ 62
  - Emotional Risks, Unsafe and Uncomfortable Situations with Clients 63
- Relationships Beyond Sex .................................. 65
- Concluding Remarks ......................................... 66
- References ................................................... 67

Tihana Štojs Brajković
Relationships with Intermediaries: Protection, Control and Violence

- Introduction .................................................. 69
- Intermediaries’ Profiles ...................................... 70
- Women’s Experiences with Intermediaries .................... 74
  - Pimp-Related Violence and Control ....................... 74
  - (Non)reporting of Violence ................................. 77
SLOVENIA

Mojca Pajnik
Prostitution Policy and Practice: Peculiarities of Decriminalisation

Introduction .................................................. 111
Legal Framework .............................................. 112
A Shift Towards Decriminalisation ....................... 113
Implementation of Laws .................................. 114
Shifting Parallels Between Prostitution and Human Trafficking ......................... 116
A Future Shift Towards Regulation? .................... 119
Diffused Prostitution Markets and Discourses .......... 120
Concluding Remarks ..................................... 123
References .................................................. 123

Mojca Pajnik & Emanuela Fabijan
Sex Workers and Sex Work: From Organising Work to Coping with Stigma

Introduction .................................................. 125
Sample .......................................................... 126
Pathways into Sex Work and Reasons for Working in the Sex Industry ................. 129
Patterns of Organising Work .............................. 132
Perceptions of Their Work as “Legitimate Work” ........................................ 135
Stigmatisation and Marginalisation ....................... 136
Concluding Remarks ..................................... 139
References .................................................. 139

Emanuela Fabijan
Relationships with Clients: Sex Workers’ Negotiating Strategies

Introduction .................................................. 141
The Profile of Clients and their Motives for Using Sex Services ......................... 141
Relationships Between Sex Workers and Clients ........................................... 144
From Respect to Friendship ................................ 144
Contents

Addressing Negative Experiences with Clients .......................................................... 147
Strategies of Addressing and Preventing Risks .......................................................... 149
  From Co-working and Advice from Experienced Sex Workers to Setting Rules and Limits ................................................. 149
  The Importance of Sharing Information, Raising Prices, Video Surveillance and Protecting Privacy .............................................. 151
Concluding Remarks .................................................................................................. 152
References .................................................................................................................. 153

Mojca Frelih
Relationships with Intermediaries: Support or Exploitation?
  Introduction ........................................................................................................ 155
  Pimping as a Criminal Offence ........................................................................ 156
  Pimps as Partners, Clients, Club Owners ........................................................ 157
  Sex Workers’ Reflections on the Role of Pimps .................................................. 159
  Pimp-Related Control and Violence .................................................................. 161
Concluding Remarks ............................................................................................... 162
References ................................................................................................................ 163

Mojca Frelih
Relationships with the Police: Between Protection and Abuse
  Introduction ........................................................................................................ 165
  Police Work ......................................................................................................... 165
  Experiences of Sex Workers with the Police ...................................................... 167
  Abuse and Lack of Protection ............................................................................ 169
  Building Coalitions Between the Police, other Agencies and Sex Workers ........ 171
Concluding Remarks ............................................................................................... 172
References ................................................................................................................ 173
Mojca Pajnik & Emanuela Fabijan
Recommendations for Improvements: Aiming for Equality of Sex Workers

Introduction ........................................................................................................ 175
Destigmatisation ................................................................................................ 175
Decriminalisation, Legalisation and Regulation ........................................... 176
Improving Health ............................................................................................. 179
Informing, Educating, Establishing Support Systems ............................... 181
Improving Police Work .................................................................................... 184
Concluding Remarks ....................................................................................... 185
References ........................................................................................................ 185

Mojca Pajnik & Ivana Radačić

About the Authors ............................................................................................. 193
INTRODUCTION

Ivana Radačić & Mojca Pajnik

Prostitution in a Post-Socialist Context

Early positivist discussions that approached prostitution as a social deviation, which in a European context first emerged in Western European countries, influenced perspectives on prostitution elsewhere, including countries of the Central and Eastern European (CEE) region and the Balkans. Historical analyses (Radulović, 1986) show that early empirical studies from the former Yugoslavia approached prostitution primarily as a socio-pathological phenomenon. During the subsequent decades, publications on the subject of prostitution were quite rare, much like elsewhere in Europe. Moreover, the vibrant women’s movement across the region, which created room for debate on gender inequality, hardly addressed prostitution publicly, unlike women’s movements in Western and Northern European countries that soon faced polarised discussions on prostitution, oscillating between the violence and the sex work paradigm (Pajnik, 2013).

From the 1960s through to the 1990s, civil society movements and women’s movements, feminist studies included, debated prostitution as a by-product of unequal gender relations. In international literature prostitution was predominately conceptualised as sexual violence against women and was associated with pornography or sexual slavery (Barry, 1985). Advocacy for such abolitionist perspectives on prostitution soon became the target of criticism. The movements for the self-organisation of sex workers that began to emerge during the early 1970s, first in the US and Western Europe (Gall, 2006), with CEE and the Balkans still lagging behind today, rejected the abolitionist argumentation on the grounds of its insistence on the universalistic conception of “women’s sexuality” and disregard for the sex workers’ diversity of experiences, but also on the objectification, passivisation and victimisation of women. The term “sex work” gained currency during the 1970s (Delacoste & Alexander, 1998), denoting commercial sexual services or performances provided in exchange for material gains, while in the decades that followed, sex work became associated with the growing global sex industry (Weitzer, 2003).

Studies indicated that global discourses on the web produced by non-commercial websites on prostitution and human trafficking show, generally, bipartite polarisation, i.e. the persistence of the so-called prostitution paradigm and the trafficking
paradigm, each representing a unique view of sexualities, with existent but weak linkages (Pajnik & Renault, 2014). Thus, the definition of prostitution as either violence or sex work continues to be the principal point of departure in academic, NGO and policy oriented debates internationally, Slovenia and Croatia included.

Our starting point in this research is a general recognition of understanding prostitution and sex work beyond the binary ideological framing, foremost recognising the many realities that people of different genders who sell sexual services experience. We recognise the importance of agency which is, however, limited in contemporary societies oriented towards profitability of market economies. Therefore, we recognise the predominant duality in understanding prostitution but are not preoccupied with it, i.e. it does not drive our own research. For us, it is pivotal to acknowledge that prostitution is a highly marginal phenomenon, largely burdened by morality, stigma, victimisation and polarisation, but foremost that it is a phenomenon related to other processes of marginalisation and marketisation in contemporary societies related to gender, ethnicity, sexuality and class inequalities.

Throughout the CEE and Balkan regions today, employment opportunities for women are low. Discrimination is pronounced within the private sector, where young women mainly work under short-term contracts or engage in casual work, and the recent recession seems to only aggravate the situation. The trend that forces women to accept low-paid, insecure work within the informal sector can be observed throughout the region (Corrin, 2005). It is also common for women from the CEE / SEE region to migrate to Western European countries in search of jobs, where, regardless of their qualifications, they end up performing domestic and care work, including sex work. The sex industry has grown immensely since 1989 with a push of socialist countries from their relative isolation into the global, marketised economy (Kligman & Limoncelli, 2005, p. 122).

The globalised sex industry in the region expanded rapidly after 1989, as did the related areas of pornography and strip/sex clubs and shops (True, 2003; Kligman & Limoncelli, 2005). In her analysis of the changed gender relations in the Czech context, True (2003, p. 27) argues that the marketisation and commodification of sex produced puzzling effects, with women appearing as both agents and victims of the transition process. While, on the one hand, it can be argued that the liberalisation of some countries contributed to the decriminalisation of prostitution, given that prostitution ceased to be considered a crime (like in Slovenia but not in Croatia), on the other, it did not have concrete positive effects on women in prostitution. Market liberalisation and European integration processes further created specific sexual desires and practices, with Eastern-European women being eroticised with the purpose of stimulating growth in the sex industry.
Prostitution in a Legal Context

Croatia and Slovenia have different legal models of regulating prostitution, despite sharing common historical experiences and being part of the same country. During recent history the policy has shifted a few times in both countries. From the beginning of the 20th century until the First World War, when both countries were part of the Austro-Hungarian Empire, the regulation of prostitution was left to local authorities with toleration being the general recommendation. Although regulations varied between different cities, most allowed for the operation of brothels, albeit on different terms. However, during the 1920s, calls for prohibition became vocal in both countries, coming in particular from the medical establishment and the Church. Feminist groups also called for the prohibition of prostitution and the criminalisation of both the women involved in prostitution as well as the clients (Zorko, 2006, p. 235). Prostitution became criminalised in 1929 with the Criminal Code of the Kingdom of Serbs, Croats and Slovenes, while the 1934 Act on the Suppression of STIs prohibited the keeping of brothels. The system of prohibition remained in force until 1941, when “the war circumstances and needs of the occupation armed forces led to the opening of brothels in all major cities and renewed police and health control of the prostitutes” (Marković, 1965, p. 40). The end of the Second World War brought yet another change in prostitution policy, with a departure from a regulatory regime to a prohibitionist one. Brothels were once again closed, and sex workers were either shot for collaboration with the enemy, or sent to sanatoriums, construction sites for forced labour, or to their place of birth (Radulović, 1986, pp. 181-182). The new society that was built after the war within the framework of the Socialist Federal Republic of Yugoslavia, adopted the policy of “revolutionary sexual puritanism” which impacted the prostitution policy (Radulović, 1987, p. 182). Prostitution was seen as a remainder of the bourgeois society that was to be abolished. The new federal Criminal Code of 1976 criminalised different forms of organising, instigating, aiding and abetting prostitution, while the Criminal Codes of the Republics criminalised pandering / pimping. Selling sex was not a criminal offence, but was considered an act of misdemeanour against public peace and order.

The 1977 Act on Misdemeanours against Public Order and Peace (AMPOP) was incorporated into the Croatian legal framework after its independence. Engaging in prostitution has hence been considered a misdemeanour, while all forms of organising and abetting prostitution are considered criminal offences, even voluntary and non-exploitative, as is advertising (self-advertising was excluded in 2015). Clients are not criminalised except when they use the services of minors, trafficked persons or those otherwise forced into prostitution, if they knew or should have known of these
circumstances. Two proposals have been put forward since Croatian independence to change the AMPOP to criminalise clients in all circumstances.

Slovenia also incorporated the Yugoslav AMPOP in its legal framework but decriminalised engaging in prostitution in 2003, based on a proposal that came from Liberal Democrats in 2001 when they were the lead party in the government. However, in 2006 a conservative government added a provision on “indecent behaviour” in the Protection of Public Order Act (Article 7), which penalises the offering of sexual services in public spaces if done in an intrusive manner and if the act disturbs anybody, provokes disquiet or indignation in others. The decriminalisation of selling sexual services in general redirected legal attention from sex workers to their abuse – it brought more emphasis on laws that deal with exploitation in prostitution. The Criminal Code hence contains a provision on the “abuse of prostitution” which penalises participation in prostitution for the exploitation of another person. Clients are not criminalised, except those who use services of minors or trafficking victims, in cases where they are aware of such circumstances.

These different regulations affect prostitution markets in both countries, as well as the experiences of sex workers. There is no official data on sex workers or prostitution markets in Croatia. It appears that prostitution in apartments is common, and there is still a significant number of street-based sex workers (primarily in Zagreb). Other markers include escort services, hotel services, erotic massage services, elite prostitution (e.g. on yachts during summer holidays). From the little sources we have (official police data and research), it seems that most sex workers (in the more poorly paid sectors of prostitution which have been the subject of analysis) have Croatian citizenship. However, our NGO informants spoke of migrant women who mostly come from less economically developed neighbouring countries during the holiday season.

The illegality of prostitution affects sex workers, especially those working on the streets, since they are the target of enforcement agents. They are often arrested arbitrarily, simply for standing in a suspect street. Moreover, it is not clear what constitutes the offence of engaging in prostitution and what evidence is required for conviction. The criminalisation framework has negative implications for sex workers’ health and safety, which will be discussed in the subsequent chapters.

Data on prostitution in Slovenia are mere estimates as no longitudinal studies exist that would systematically research the prostitution markets. Similarly, as in Croatia, prostitution in apartments is quite common, as is hotel prostitution, escort services, prostitution in clubs or bars and in massage parlours. Street prostitution exists but is not a visible form. According to the estimates from the police, migrant women are more prone to work in clubs, often under close surveillance of intermediaries, while
women with Slovenian citizenship work in apartments, often alone, or they co-organise their work together with other sex workers (Pajnik, 2008). Holiday seasons have also been recognised in Slovenia as periods of increased demand for prostitution in the country. Some women cross borders to work in Italy and Austria, while the Slovenian market also attracts women coming from former Yugoslav Republics, mostly Croatia and Serbia. Decriminalisation has had positive effects on sex workers as they are no longer prosecuted. However, women are still faced with persistent problems such as lack of social and economic rights and stigmatisation, as will be discussed below.

There are also certain commonalities in the two countries. Sex workers’ voices are not taken into account in public policy on prostitution in both countries. Moreover, it has been led more by ideological stances than with facts and evidence, as in many other countries (Wagenaar & Altink, 2012). No attempts have ever been made to include sex workers in public policy making, and there is no organisation of sex workers in either of the countries, unlike in some neighbouring countries of former Yugoslavia (Serbia, Bosnia and Herzegovina, Macedonia, Montenegro). On the other hand, the dominant feminist stance on prostitution in both Croatia and Slovenia is violence against women, influenced by the European Women’s Lobby. Moreover, in both countries prostitution is highly stigmatised.

In both countries prostitution research has been marginalised and there is generally a lack of funding for such research. There is limited scholarship on prostitution (though more studies exist in Slovenia than Croatia). In Croatia there are only a few scholars interested in the topic of prostitution and they are in the fields of criminal law and criminology, mostly analysing the legal framework without engaging in actual empirical work (Kovčo Vukadin, 1998; Milivojević Antoliš, Mihajlović & Strk, 2013; Kanduč & Grozdanić, 1998) as well as social epidemiology, showing interest in the risk of HIV and STIs transmission in sex workers (Štulhofer, Bačak, Drglin, Puljiz & Miklin, 2009; Štulhofer, Landripet, Božič & Božičević, 2015; Štulhofer, Sinković, Božič & Bačak, 2016). In Slovenia, prostitution has been analysed by a few researchers who have considered the criminal and legal aspects (Kanduč, 1998; Tratnik Volasko, 1996), and a journalist published a book based on discussions with sex workers about their experiences (Popov, 1999), while the only existing action research in a cross-country comparative perspective targeted HIV / STIs prevention and promoted sex workers’ human rights (Tampep, 2009). In our own work, we have opened up the perspective of researching prostitution and its effects on the everyday life of sex workers (Pajnik, 2008; 2013). Moreover, we have analysed prostitution and its relation to migration, human trafficking, gender and labour and have pointed to the effects of new media on prostitution patterns (Pajnik, 2008; Pajnik & Šori, 2014).
A few studies in both countries have included interviews with sex workers, but only sporadically, leaving research on sex workers’ own perspectives in need of further exploration. Moreover, there are no studies comparing Croatian and Slovenian prostitution policies and their impact on sex workers. Furthermore, both Croatia and Slovenia are under-represented countries with respect to international prostitution research. The theoretical framework of prostitution scholarship has been mostly informed by studies from Western Europe.

Research Objectives

The purpose of this exploratory study was to compare the differences and commonalities of Croatian and Slovenian prostitution policies – if and how the differences are reflected in legal discourses as well as the narratives of sex workers. In addition to the analysis of public policy documents and the case law on prostitution, we conducted interviews with the sex workers and other informants. Although focus on sex workers was originally planned, other informants were included in this study to provide a more holistic overview of this field.

By undertaking research in two post-transitional EU member states in which prostitution regimes fall outside the dominant frameworks (client criminalisation / legalisation), this study wanted to bring new perspectives to the scholarship on prostitution, which can make prostitution theories more inclusive. It questions the main concepts of victimhood vs. agency, work vs. violence in the context of specific cultural, economic and political circumstances of the two countries. This study applies a critical perspective that acknowledges the multidimensionality of the phenomenon determined by the economic situation of a specific society, normative sexual practices, the relationship between sexuality and identity, legal norms, cultural patterns and values (Pajnik, 2008; Scoular, 2010). Challenging the binary construction of prostitution as work or violence and concerned with the violations of the sex workers’ human rights, the project adopts a perspective to the under-researched phenomenon that is attentive to the agency of sex workers.

The goal of the study was not only to enhance scholarship, but also to challenge the marginalisation of sex workers and provide data and recommendations for policy change, which would be in line with the human rights standards and help incorporate good practices in comparative prostitution policies. We also hoped that the study might empower sex workers. With this in mind, we have created two booklets: one for sex workers explaining the concept of human rights and some of the rights they have under the two legal frameworks, and one for policy makers and policy implementers containing recommendations for improvement given by the sex workers.
themselves.  

We also set up a website in three languages (Croatian, Slovenian and English), where we publish relevant literature, project outcomes as well as excerpts from sex workers’ interviews (www.prostitution-cro-slo.com). 

Research objectives have influenced the terminology that we use in this study. We acknowledge the importance of terms such as sex work and sex worker used by sex workers’ rights activists to resist the dominant representation of prostitution as all violence and the persons involved in prostitution as victims. However, we use the term prostitution to signify the sector of the industry / type of work we are analysing. Furthermore, while we mostly use the term sex worker (in recognition of people’s agency), both as a general term, and with respect to our research participants, it has to be stated here that not all of them define themselves in this way (though most prefer this term). We thus try to be attentive to their perspectives and to terminology that appears in their narratives. Moreover, in addition to using the terms intermediaries or organisers in prostitution, we also use the term pimp if this appears in the narratives of sex workers.

Methodology

Using the methods of critical (socio)legal analysis, we examined cases concerning prostitution before selected courts where the final judgment was issued in 2015 and 2016. The following information was analysed: available relevant socio-demographic data on perpetrators (sex workers in cases of misdemeanour courts’ cases, and intermediaries, some of whom were sex workers, in criminal courts’ cases) and victims (in cases of criminal courts), data on arrests, data on offences (when they took place, what were the main elements) and interpretation of offences, what were the judgments (acquittals, convictions, dismissals) and penalties. The analysis was based on a theoretical framework which questions forced / voluntary, agent / victim dichotomies (Pajnik 2008; 2013).

In Croatia, this included cases of both misdemeanour courts (prekršajni sudovi), competent for judging the misdemeanour offence of engaging in prostitution, and municipal criminal courts (općinski kazneni sudovi), competent for judging the criminal offence of prostitution, in Zagreb and Split. There were 53 misdemeanour cases and three criminal court cases. The analysis was conducted in Zagreb in March 2017 and in Split in June 2017.

1 Booklets are available in the Croatian and Slovenian languages, they appeared in print and are also accessible on the project’s website (www.prostitution-cro-slo.com).
In Slovenia, county courts (okrajna sodišča) are responsible for misdemeanour offences according to the Protection of Public Order Act. The court in Ljubljana (and several other cities) in the timeframe 2015–2016 had no legal cases related to prostitution as indecent behaviour. Ljubljana District Court (okrožno sodišče), competent for Criminal Code related cases of prostitution abuse, similarly issued no final judgments in relation to this crime in the mentioned timeframe. Hence, we have adapted our analysis to reflect the complex legal framework and its shifts in Slovenia based on expert interviews with specialised state prosecutor and criminal police inspector. Also, we have included the analysis of statistical data on prosecution of abuse in prostitution and have added a reflection on our past case law analysis.

This exploratory study also included semi-structured interviews with sex workers, as well as other informants who are in direct contact with them. The focus of this study was to concentrate on the lived experiences of sex workers and to give them a voice in line with feminist methodology (Fonow & Cook, 2005). Hence, qualitative methods were chosen. A semi-structured interview with elements of a narrative interview for sex workers included the following areas of enquiry: Public and media perception of prostitution; Work experiences (including other work experiences, pathways in and within prostitution, reasons for engaging in prostitution, dislikes and likes of sex work; positive and negative experiences); Relationships with other actors in the industry (clients, intermediaries, and other sex workers); Relationships with actors in institutional settings (police, legal system, social and health services, NGOs); Relationships with friends and family; Recommendations; Plans for the future. At the end of each interview, a demographic questionnaire was also used, including questions such as: age, gender, birthplace, citizenship, nationality, religion, language, marital status, children, sexual orientation, education, employment status, main sources of income, housing situation, material status and self-evaluations of health. Interviews with other informants were adapted to suit their area of expertise and experience.

The open-ended nature of these interviews allowed discussions to flow freely if participants wanted to explain something further. All research participants were able to talk about things of importance to them during these interactions, as well as convey the multitude of meanings that they attribute to their experiences. This corresponds to the goal of qualitative research, which is the development of concepts that helps us to understand social phenomena in natural settings, giving due emphasis to the meanings, experiences and views of all the participants (Mays & Pope, 1995). Since participation in this study was on a voluntary basis, participants were given the option of skipping questions and ending the interview at any stage. To preserve the anonymity of the sex
workers who participated in this study, all names and other identifying characteristics have been changed.

Due to different contexts and to the different challenges the researchers faced in their field work in the two countries, the number of sex workers interviewed also differed, as did the sample. Indeed, while in the Slovenian sample most persons entered prostitution for financial reasons, in the Croatian sample pathways included drug addition, dysfunctional families and coercion. In the Slovenian sample the paradigm of work was more prevalent, while in the Croatian sample narratives of violence dominated the interviews. Wary of simplistic dichotomies along the dualism of work and violence and their implications for policy and practice, we have tried in both cases to reflect the complexities of our participants’ stories.

Moreover, as interviews with informants were originally not envisaged, there was a greater flexibility in choosing who to interview. This was again context-dependent and was also dependent on the contacts researchers were able to establish in the relatively short time frame of the project (altogether a year and a half).

In Croatia we managed to recruit six sex workers, all of whom were women. Several different methods were used to access sex workers in this study, which had specific difficulties considering the illegality and stigmatisation of prostitution in Croatia. First, contact was attempted through advertisements for sex services. Although a number of different advertising avenues were contacted several times by all researchers, we had little response, possibly because there was little time to build up rapport and trust, which are very important and usually necessary in the research relationship (Oakley, 1981). Still, the project’s assistant, who had prior sex working experience, managed to recruit a few sex workers via this avenue. Contacting NGOs who work with sex workers and distributing leaflets with information about the study was another method that was employed in this study. Several participants were recruited by the NGOs in Split and Rijeka, while none were recruited by the NGO in Zagreb. Finally, team members posted leaflets with information about the study on sign posts and trees in streets where street-based prostitution occurs. This immediately stirred media attention, which was another way people (one of the organisers and a former client) found out about the study.

In addition to sex workers, we interviewed ten informants. These included the representatives from relevant NGOs – three NGOs which conduct harm reduction programmes with street-based and drug using sex workers: LET (Zagreb), HELP (Split) Terra (Rijeka), and a representative of the NGO that works with trans*, inter* and gender

---

2 These included for example: Slavic escorts; City of love; Mala vrata; CroEscort; Happy escort; Plavi oglasnik; Facebook; Poznanstva-burza oglasnik and Rentmen.
variant community Trans Aid (Zagreb). The informants also included others who have
had experience in working with sex workers, such as: a judge of the High Misdemeanour
Court, a lawyer who has represented victims of criminal offences related to prostitution
and trafficking, and a priest who has been helping street-based sex workers in Zagreb.
Three intermediaries and a former client responded to our calls and were also interviewed.

Interviews were conducted in Zagreb (in the offices of the Institute) and Split
(at HELP premises) in the first half of 2017. They were of varying length; most of
the interviews lasted for an hour, while the longest was three hours long. All interview
material was recorded and transcribed, word for word with the participant’s knowledge
and oral consent.

In Slovenia nine sex workers who work in various sectors of prostitution, including escort and erotic massage, were interviewed. We obtained the contacts of sex workers and of sex work organisers through personal contacts, as well as through Slovenian web portals, which advertise sex work, such as Sloescort.com and Salomon.si. We called the sex workers who advertise on these platforms and work in Ljubljana. In several cases women had firstly agreed to the interview that did not happen in the end – our field work shows that women carefully manage their time and that some consider any risk whatsoever of potential exposure a hindrance, which results in declining a request for cooperating in research. Other means of recruiting interviewees included contacting NGOs, hotels, bar owners, taxi drivers as well as workers in health and tourism, which has, however, shown little results.

The interviewees mostly worked in Ljubljana, and the place of the interview differed. In most cases it took place in bars, in two cases the interviews were held in apartments where the sex workers worked, and one was carried out in an erotic massage salon. To get insight into the organisational aspect, we have included an interview with one co-owner of a sauna club who works in the Primorska region and two owners of a massage salon in Ljubljana. In our previous work we had already conducted research that included the expert opinion of NGOs (Pajnik, 2008) and have, for the purpose of this research, included other expert interviews that were focused mostly to offer reflections on policy and policy implications of the decriminalisation framework. As noted above, the interviewees included two specialised state prosecutors and a senior criminal police inspector specialist.

The interviews were carried out in the first half of 2017. They lasted from one hour to almost up to three hours. The majority of the interview material was recorded and transcribed, with the interviewees’ oral consent. One sex worker and a sauna-club owner who did not want to be exposed, but wanted to participate in the research, responded to our interview in writing. Our interview analysis is based on transcripts
and it also includes protocols in the form of field notes that were written by researchers after the interviews. To reassure that the interview partners provided their narration in the language of their own choice, one interviewee gave the interview in Serbian.

**Ethical Issues**

The teams in both countries were sensitive to the principle of protecting the rights and freedoms of individuals, notably the right to privacy anchored in the EU Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data 95/46/EC, which was adhered to with respect to gathering, analysing and maintaining empirical data. Teams acted in accordance with national legislation in the research field concerning the protection of personal data, EU and international regulations, and with ethics codes that have been developed by the professional associations of social scientists and social research institutions. In addition, a workshop on ethical considerations for research team members was held prior to this project’s commencement.

Prior to participation, all sex workers were asked for their oral consent. They were informed about the aims of the project and were told that the focus of this study was hearing “their voices and opinions” in line with feminist methodology. The voluntary nature of this study was also clearly explained so that they did not feel obliged to participate. Sex workers were also guaranteed anonymity and confidentiality, considering the risks involved. Potential participants were told about the study and what exactly was required from them (interview, questionnaire, digital recording, etc.) as well as how the research results would be used. They were also provided with contact information if they required any further information.

**Data Analysis**

Analysis was thematic and inductive, based on the principles of grounded theory (Glaser & Strauss, 1967; Strauss & Corbin, 1990). Grounded theory privileges the collection and inductive interpretation of empirical data to generate meaning and theoretical insight (Charmaz, 2006). First, the research team members examined the transcripts several times to become familiar with the material and consider its overall meaning in the given contexts. This involved close reading of the interview transcripts, noting central concepts, key emerging themes, patterns, consistencies, contradictions and variation. This inductive approach allowed themes to emerge from the data rather than imposing a ‘top-down’

---

3 This was preferred to written consent as a less invasive form considering the context of illegality (in Croatia) and stigmatisation surrounding sex work (in both countries).
approach in which themes were previously determined and sought from the data. These open coding methods were initially used to discover experiences, characteristics, and concepts that research participants understood as important or significant in their lives. To ensure analytic rigour, preliminary codes were reviewed by the research team for accuracy and were refined, as needed. The interpretation process started by organising and summarising the data into thematic areas as well as the integration of observations from different members of the research team. As our analysis was data driven, there are some differences in the structures of the Slovenian and Croatian chapters, which is also a result of different policy and legislative approaches to prostitution in both countries.

Structure of the Book

This book is organised in two parts: Croatian study and Slovenian study. Each part contains chapters exploring the same topics: Prostitution Policy and Practice; Sex Workers and Sex Work; Relationships with Clients; Relationship with Intermediaries; Relationship with the Police, Recommendations. The book concludes with a short chapter that summarises the two studies and discusses the differences and similarities of the Croatian and Slovenian context, together with the implications of these studies for research and public policy.

The chapters follow to a large extent the same structure, as both teams used the same methodology and agreed on the interview questions. However, samples differ not only in numbers, but also in terms of socio-demographic characteristics, as well as in work and life experiences of the sex workers. Furthermore, different teams consulted different expert informants and the legal and socio-political contexts differ. These differences are reflected in the collected data from which different topics emerged as relevant.

In the Croatian policy chapter there is an extensive discussion of case law, while in the Slovenian chapter the focus lies in unravelling the complexities of legal framework with reference to expert interviews and general statistical data on legal practices. The Slovenian chapter on sex workers includes a discussion on the perception of sex work as work, as this was one of the prominent topics in the collected data, the sample consisting mostly of people who entered prostitution as a business. This was not the case with the Croatian sample, which includes mostly women who work in more precarious circumstances. In light of this, one of the relevant topics that emerged from the Croatian data was the needs of the vulnerable sex workers and lack of services to address those needs.

The chapters on clients and intermediaries analyse the sex workers’ positive and negative experiences with these parties. While some themes were common to both countries, specific topics are discussed in the Croatian and the Slovenian chapters. The chapters on the police highlight experiences our interviewees had with police forces.
in various police interventions. Different legal frameworks impact police work; hence these chapters are again different for Croatia and Slovenia, though some similar topics also emerged. The concluding chapters on recommendations use the sex workers’ own recommendations to improve their conditions as well as internationally recognised standards on prostitution and good practices.

[Some of the information contained in Prostitution in a Post-Socialist Context and Prostitution in a Legal Context has already been presented in previous publications of the two authors (Pajnik, 2013; Radačić, 2017). Lynette Šikić Mićanović wrote a first draft of the parts on methodology, ethics and data analysis in relation to the Croatian study, while Emanuela Fabijan drafted the description of the sample for the Slovenian study.]

References


PROSTITUTION IN CROATIA AND SLOVENIA. Sex Workers’ Experiences


Legal and Policy Documents

Act against Misdemeanours against Public Order and Peace of the Republic of Croatia (ZPJRM; Zakon o prekršajima protiv javnog reda i mira), Official Gazette nos. 5/90, 30/90, 47/90 and 29/94.


EU Directive on the protection of individuals with regard to processing of personal data and on the free movement of such data 95/46/EC (OJEC/No. L281/31)

The Protection of Public Order Act (ZJRM, Zakon o varstvu javnega reda in miru), Official Gazette no. 70/06.
ABOUT THE AUTHORS

Emanuela Fabijan is a doctoral researcher at the Faculty of Social Work, University of Ljubljana. She received a bachelor’s degree in communications (Media and Communication Studies) and a master’s degree in cultural studies, both from the Faculty of Social Sciences, University of Ljubljana. Her bachelor’s thesis, entitled *Third Class Citizens – “Invisible” Migrant Workers from the Former Yugoslavia Through a Media Perspective*, was awarded as best bachelor’s thesis in the field of sociology of ethnic groups, migration or social stratification. She received the Prešern Award (given to the best bachelor’s and master’s theses) from the Faculty of Social Sciences for her master’s thesis entitled *Psychiatric Hospital as a Total Institution: Policies and Practices of Institutionalization, Engenderization and Resistance*. She has worked on projects for the Peace Institute in Ljubljana and for the Faculty of Social Sciences in Ljubljana. She focuses on the following research fields: marginalised social groups, gender, migration, media and sociology of medicine.

Mojca Frelih obtained her master’s degree in sociological science at the Faculty of Social Sciences, University of Ljubljana, Slovenia. She has been involved in several research projects since 2003 – she has conducted over 300 interviews with various target groups, has been involved in focus groups, has led several workshops and has organised several events. She is a trained field worker with background in conflict resolution. Her research fields are: reconciliation of public and private life, fatherhood, care work, media and gender (in)equality, (anti)discrimination, etc.

Some of the projects she has been involved in are: *Gender Differentiation in Media Industry* (Slovene Research Agency), *Fathers and Employers in Action* (The EEA Grants and Norway Grants 2009–2014), *Gender Equality and Media* (Ministry of Labour, Family, Social Affairs and Equal Opportunities), *Integration of Female ImMigrants in Labour Market and Society, Policy Assessment and Policy Recommendations* (FEMIPOL) (A STREP Project of the 6th Framework Programme of the European Commission Scientific Support to Policies SSP4), etc. She has also published several expert and scientific articles. Currently, she is a representative of Slovenia in the international group (advisory body) Experts’ Forum of the European Institute for Gender Equality.
Mojca Pajnik is a senior research advisor at the Peace Institute in Ljubljana and an associate professor at the Faculty of Social Sciences, University of Ljubljana. In her monograph *Prostitution and Human Trafficking: Gender, Labour and Migration Aspects* (Peace Institute, 2008), she approached prostitution beyond the voluntary-involuntary, work-violence dichotomy and addressed the larger issues of structural inequality. She has published widely on the topics of migration, racism, gender (in)equality, prostitution, sex work in book collections and in international journals. She has recently co-edited *Populism and the Web, Communicative Practices of Parties and Movements in Europe* (with B. Sauer, Routledge, 2017), *Contesting Integration, Engendering Migration: Theory and Practice* (with F. Anthias, Palgrave, 2014) and *Racism: Cut Up World* (with E. Valenčič, Journal for the Critique of Science, 2015). She has worked on numerous research projects, among them MIG@NET, Transnational Digital Networks, Migration and Gender (EC, 7th Framework programme, 2010–2013), where she coordinated research on prostitution and human trafficking. Currently, she is head of the project *Gender Differentiation in Media Industry* (Slovenian Research Agency, 2016–2018). She is a member of the editorial board of *Journal of Alternative and Community Media*, *Migracijske i etničke teme* (Migration and Ethnic Themes) and *Družboslovne razprave*. Mojca was awarded for scientific excel-lency from the Faculty of Social Sciences, University of Ljubljana, in 2014. She was a member of the COST action ProsPol: Comparing European Prostitution Policies: Understanding Scales and Cultures of Governance (2013–2017).

Ivana Radačić (PhD in Law) is a senior research associate at the Institute of Social Sciences Ivo Pilar and a part time lecturer at the University of Zagreb. She was a visiting lecturer at the University College London, the European Inter-University Centre for Human Rights and Democratisation (Venice), the UN University for Peace (San Jose, Costa Rica) and a research fellow at the University of Kent, the University of Melbourne and the Victoria University of Wellington.

Her research interests are in the areas of gender, sexuality and the law; human rights; feminism; and socio-legal studies. She has authored 12 book chapters, 13 articles (including in *Feminist Legal Studies, European Journal of International Law, European Human Rights Law Review, Feminists@Law*) and the book *Sexual Violence: Myths, Stereotypes and the Legal System* (Zagreb; TIMpress, 2014). She also co-authored two books and (co)edited three.

She is the principal investigator of the two projects on prostitution: *Comparing Croatian and Slovenian Prostitution Regimes* (ISRF, 2016–2017) and *Regulation of Prostitution*.

Dr Radačić is a member of the UN Working Group on the Issue of Discrimination against Women in Law and in Practice and a Council of Europe expert on human rights. She cooperates with a number of human rights NGOs, and she worked at the European Court of Human Rights.

She plays violoncello and djembe and is a passionate 5 rhythms dance practitioner.

**Stephanie Stelko** earned her bachelor’s diploma in sociology and anthropology from the Faculty of Humanities and Social Sciences, University of Zagreb, in 2014 and her master’s degree in medical anthropology and sociology from the Graduate School of Social Sciences, University of Amsterdam, in 2015. Her main interests are sexual and reproductive health and rights, women’s rights and social and health policies, which she started addressing with her master’s thesis entitled *Doing Vaginismus: Activity and Self-Interpretation of Clenching Bodies.*

After graduating, she started volunteering with the NGO Ženska soba (Female Room – Centre for Sexual Rights) and as a journalist at Libela: Portal on Gender, Sex and Democracy. She has also co-authored a report on judicial proceedings of cases of war-time sexual violence in Croatia for the Youth Initiative for Human Rights. She has been an intern since 2015 at Medicine Anthropology Theory, an academic journal dedicated to medical anthropology.

Her other interests include marginalised groups, anthropology of the body and linguistic anthropology.

**Lynette Šikić-Mićanović**, PhD, is a senior research associate at the Institute of Social Sciences Ivo Pilar in Zagreb where she has worked as an anthropologist since 1995. Her research interests include qualitative research methods, ethical/methodological issues, gender, rural women and other marginalised groups such as the Roma and homeless people in Croatia. She is the author of: *Skriveni životi: prilog antropologiji ruralnih žena* / *Hidden Lives: An Anthropological Study of Women’s Lives* and co-author of four books; co-editor of three books; author of eight chapters, eleven articles in scientific journals and three articles in international anthologies. She has worked on various national and international projects: *Odnos selo-grad u hrvatskom društvu u postmodernoj perspektivi* (2001–2005), *Društvena re/konstrukcija na ruralnom teritoriju: razvojna samoodrživost* (2007–2014) (Principal Investigator from 2013). She is the Croatian coordinator of

**Tihana Štojs Brajković** earned a bachelor’s degree in sociology and philosophy at the University of Zagreb – Centre for Croatian Studies. She worked as an expert associate at the Ministry of Family, Veterans’ Affairs and Intergenerational Solidarity (now: Ministry of Demography, Family, Youth and Social Policy), after which she started working as a research assistant at the Institute of Social Sciences Ivo Pilar. She is a PhD student at the Faculty of Humanities and Social Sciences in Zagreb, and her research interests include sociology of the body, gender theories and sociology of consumption. She has been engaged in various national and international research projects and has published several papers in scientific journals.