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**Lost Women or Loose Women?
Examining Prostitution Policy-Practice Divide in the Lithuanian Legal System**

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Abstract

This work examines prostitution practice-policy divide in Lithuanian legal system. Prostitution law in Lithuania was amended in 2005 by stipulating legal liability not only for sex selling but also for sex purchase. This shows Lithuania's step towards more abolitionistic view concerning prostitution. However, this change does not reflect in police statistics on prostitution arrests. With this thesis I aim to explain how such prostitution policy-practice divide where punished women outnumber their clients from ten to several dozen times is produced in Lithuanian legal system. To get better understanding of prostitution in this particular Baltic country, I have analyzed legal Codes since the early 1960s until nowadays and discussed developments regarding legal approach towards prostitution. Moreover, I take a look at police statistics and other information published on the police website, for example, police reports on prostitution and trafficking matters. This source is of great importance and shows how prostitution and trafficking stings are conducted. Furthermore, analyzing police reports has revealed how certain prototypical stories are used to form certain image of trafficked and prostituted women, their agency as well as how traffickers and sex sellers are depicted.

Keywords: Prostitution, Sexuality, Lithuania, Lithuanian Legal System, Law, Feminism, Trafficking in Women

Foreword

Prostitution is a complex and intricate issue. Analyzing prostitution policy-practice divide in Lithuania was an interesting but very challenging task. I want to thank all my friends who have encouraged me since I started writing this thesis.

I have spent hours at Magnus Karlsson's office discussing about phenomenon of prostitution. I am enormously grateful for your supervising and guiding me through all the phases of this work. I am also thankful to Lithuanian Police Department under the Ministry of the Interior that provided me statistics and much other helpful information on prostitution in Lithuania. I am greatly thankful to all people who helped, guided and inspired me during the months I was writing master's thesis.

I dedicate this thesis to my mother, Danutė Varkojienė, for the support and help she has given me during all my study years. Your persistence has always inspired me. Ačiū tau, mama.

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Introduction

Laws concerning provision of sexual services for money or other material benefit have many times become an object of changes in Lithuanian history. For example, in the beginning of 18th century first municipal brothels were set up in Lithuania (Pruskus, 2010: 110). It was beneficial for local governing body since parlor houses brought profit. Furthermore, in this way it was attempted to control the spread of venereal disease. Prostitution particularly flourished during the First World War: there were many brothels in major cities that served German soldiers (ibid.). Only a couple decades later Lithuania was occupied by Soviet forces. Communist government regarded prostitution as a threat to public morality. As a result of this, Soviet authorities expatriated 449 Lithuanian prostituted women to Siberia (ibid: 118). Moreover, the word ‘prostitution’ was removed from the public discourse and propaganda asserted that there was no commercial sex in the Soviet Union. This illusion existed up until the 1990s.

Prostitution is a multilayer social, economic, legal and political problem. It involves moral considerations, ideas about sexuality and gender, unequal power positions, and many other aspects. Prostitution debates raise such questions as whether prostitution is a labor or rather an abuse? Is prostituted woman a criminal or rather a victim? Different legal approaches to prostitution answer these questions differently. Treatment of prostitution depends on each country's perception of who is the evil in commercial sex industry: the seller, the buyer or maybe criminalization of sex work itself? Since no consensus has yet been reached, three main legal systems have been prevailing during last three decades: the criminalization of commercial sex, abolition of prostitution that is often called *the Swedish Model*, and legalization of sex work which consider sexual labor as a legitimate occupation.

The current Lithuanian legislative acts criminalize both selling and purchase of sexual services. However, in 2015, there were 263 women and only 30 men who faced fines for selling or buying sexual services. In 2014 these figures were respectively 325 and 24¹. The statistics show that there are dozens of times more women than their clients who get fined for selling sex. In other words, although both the seller and buyer engage in illegal activity, criminalization and penalties more often affect the supply side. The question then arises why the ones who create the demand are much less likely to face responsibility for their illicit actions? Elizabeth M. Johnson (2014: 717)

¹ Data sent by the Police Department under the Ministry of the Interior

partly explains this by the particular procedures that are applied in police work: officers has “perfected methods of finding and arresting prostitutes, including the use of street sweeps and male decoys.” The use of male undercover agents establishes a system in which women are imposed greater responsibility for an illegal sexual act which always involves two individuals: the supplier and purchaser.

In this thesis I am going to analyse how current prostitution policy-practice divide is produced and what circumstances determines that criminalization has a greater effect on the supply side while prostitutes in most cases operate with impunity. Moreover, I will also take a look how legal approach towards prostitution has changed in Lithuania since the early 1960s until nowadays. Furthermore, I will also pay much attention to how ‘(non-)ideal victims’ are created in commercial sex debates. Finally, I will look into how prostitution is related to human trafficking issues. According to The International Organization for Migration (IOM, 2001: 9), some prostituted women start selling sex voluntarily, some are tricked into commercial sex by traffickers and untrue promises of well-paid work as nannies, dancers, cleaners, agriculture workers, etc. However, different authors and previously mentioned three main legal systems do not agree on women’s agency in prostitution. I will return to choice versus coercion discussion later in this work.

This thesis consists of theoretical and empirical parts, altogether 6 chapters. The first part of this work presents the aim of this thesis as well as provides the reader with the background of prostitution in Lithuania. The second part discusses the theoretical framework that will be used to analyse the material – legal articles as well as police reports. Afterwards, I consider the methodology used for this work. Finally, I will present my main findings in the empirical part.

It is my great hope that this work will add to knowledge about current prostitution in Lithuania which remains under-researched topic. Although prostitution and trafficking are serious problems in Lithuania, they does not get enough attention from governing authorities and neither from academia. There are no strong and influential feminist movements either that would consistently and purposefully fight against discrimination against women. I hope that this thesis is my first steps of researching prostitution and striving for change and more justice for prostituted women.

Purpose of Thesis

This master thesis is going to evolve around *prostitution policy-practice divide in Lithuania*. I am going to analyze not only prostitution laws but also their application in law

enforcement, that is, police work. Prostitution is a serious problem in this Baltic country which has not been researched sufficiently. There is a scarcity of previous studies on sex sellers and their clients in Lithuania as well as lack of research on prostitution laws. I aim to make a first step in better understand what approach is created by current laws and how the situation of prostituted women could be improved.

I have chosen Lithuania for its ambiguous legal system regarding prostitution. According to The Code of Administrative Offences of the Republic of Lithuania (article 182¹), engagement in sexual activity for money is illegal – “pursuit of prostitution or repayable usage of prostitution services incurs a fine from eighty-six to one hundred and forty four euros.”² Although both selling and buying of sex is a violation of law, in reality, there are about ten to twenty women caught for prostitution for every one client. With this thesis I aim to explain how such prostitution policy-practice divide is produced in Lithuanian legal system?

In order to achieve the goals of this work, I am going to look at the legislations on prostitution and law enforcement work in various aspects:

- discuss the concept of prostitution in general,
- present the main points of historical context regarding prostitution in Lithuania,
- discuss how legal acts have changed over time in relation to different political regimes,
- analyze what is stated in legal acts and how they are adapted to reality, that is, police work.

Research Question

The main goal with this study is to get a better understanding of legal status of prostitution in Lithuania. In general, this work attempts to make a first step in addressing the prostitution policy-practice divide in Lithuanian legal system. The main question that is going to guide my thesis is the following:

- Both buying and selling of sexual services in Lithuania stipulates legal liability. However, looking at several last years’ statistics it is clear that there are roughly from

² Translated by the author. Source – The Code of Administrative Offences of the Republic of Lithuania (<http://www.infolex.lt/ta/103787:str182-1>). Further I will use only ‘The Code of Administrative Offences’ instead of the full name.

ten to several dozen times more women fined for prostitution than their clients. *How such prostitution policy-practice divide is produced in Lithuanian legal system?*

Limitations of Study

Like any other research project, this study on prostitution has limitations that should be kept in mind when reading this thesis. First of all, it is hard to predict actual number of prostituted persons both in Lithuania and in other countries since this business very often operates underground. As noted by Tureikyte and Sipaviciene (2001: 284): “[i]t is quite complicated to speak about scope and dynamics of trafficking in women and prostitution, due to its largely clandestine character.” Furthermore, there is no statistical data left from when Lithuania was a part of the Soviet Union. Finally, there are not much research done on current commercial sex market in this Baltic country either.

Probably the biggest restrictions that have emerged while working with my researched matter were short time, budget and, as a consequence of this – not being able to travel to Lithuania and enrich my thesis by interviews with the experts. Time limit for this work was four months. Prostitution is a broad topic and four months is a short time for exploring this phenomenon. This limited time frame defines a certain scope of work. The researcher has to follow a tight time table and set realistic goals in order to be in time with every stage of research. Another important limitation was budget. With more time and resources, the researcher could have conducted interviews with experts on prostitution and trafficking. Whereas I was not able to do interviews with people from different institutions and organizations, I have chosen to do a desk-based research as a first step in addressing the prostitution policy-practice divide issue in Lithuania. Hopefully, I will be able to continue this project in the future and enrich this study with information that I could get in interviews.

Ethical Considerations

Prostitution is a sensitive and complex matter due to many reasons: it has fundamental connections to feminisation of labor, migration, sex industry, legislations, moral issues, etc. Issues of consent, constraint and power hierarchies within prostitution are discussed often as well. Referring to Ackerly and True (2010: 21), a researcher studying this matter also “participate[s] in

the projection of power when we make knowledge claims based on our research.“ It is very important that the researcher is self-reflective and able to remain critical to his or her work. Research ethics also requests researcher to situate herself (ibid., 36). My view on prostitution has been greatly influenced by an American radical feminist and lawyer Catherine A. MacKinnon and her books *Only Words* (1993) and *Women's Lives, Men's Laws* (2005). MacKinnon sees prostitution as violation of human rights and exploitation of women, girls, children as well as men who are forced to provide sexual services for money. I am aware of limitations and critique of radical feminism as restricting prostitution only to women's victimization and exploitation, and therefore not discussing ideas of voluntary prostitution and sex as work.

Since the data I have analysed is legislations and Police reports that are publicly available, I did not face the need to protect anyone's anonymity. Some of the statistical data was sent to me by the Police Department under the Ministry of Interior and that is indicated in footnotes. Sources of other statistical data and legal articles or Police reports are also specified in footnotes.

Finally, probably the main ethical concern for all researchers when conducting analysis on prostitution matter is to stay critical to one's work and do not pass judgement neither on the supply nor demand sides.

What is prostitution?

The provision of sexual services for material benefit, what is nowadays described as prostitution, is far away from being a new phenomenon but it still causes heated political debates and shows global inability to find consensus concerning treatment of this matter.

At the starting point of this thesis, it would be reasonable to define the term “prostitution“. According to United Nations, the term sex workers refer to those persons (female, male and transgender people) who pursue the activity of prostitution in order to get money or other profit in exchange for sexual favor (Joint United Nations Programme on HIV/AIDS, 2009/2012: 3). Usually commercial sex, regardless of whether it is legal or criminalized, is organized by managers who generally are called ‘pimps’ and who intermediates between the sex seller and client, and frequently between both and local authorities (ibid.) A member of Lithuanian parliament Vince Vaidevute Margeviciene in her talk³ at the conference against prostitution emphasized that around 95 per cent of prostituted women in Lithuania are controlled by pimps. Accordingly, prostitution is a part of organized crime and is closely related to human trafficking for sexual purposes, exploitation of children, and as mentioned earlier, pimping. As stated in the United Nations report, a person may engage in commercial sex “as a full-time occupation, part-time, or occasionally to meet specific economic needs (such as education costs, or in a family financial crisis). Others are trafficked or coerced into selling sex“ (ibid.: 3-4).

Generally prostitution has been understood as commercial sex of women to men but this definition should be expanded since there also are male and transgender prostitutes. As mentioned earlier, the term ‘sex seller’ addresses those persons who engage in repayable commercial sex and this can be women, men and transsexual individuals. However, in this thesis I will use the term ‘sex seller’ to refer to prostituted women since there are no data on males providing commercial sex in Lithuania.

The link between prostitution, terminology and ideology

One of the first problems that emerged to me when I started writing this thesis was difficult and not sufficient vocabulary on prostitution. After having worked on this subject for a

³ Original text is in Lithuanian, translated by the author. Vince Vaidevute Margeviciene is a member of Lithuanian Parliament. The text is a report on her speech at an international conference against prostitution that took place in May, 2013 in The Parliament of Lithuania. http://www3.lrs.lt/pls/inter/w5_show?p_r=618&p_d=136388&p_k=1

while now and having read dozens of articles and books, I still find it very difficult when it comes to language used in talking about commercial sex. In my view, suitable and neutral terminology is highly important in discussing such a sensitive matter as sexual commerce.

Language is inseparable from society's attitude towards certain phenomena and processes. Prostitution is not an exception. Different approach to sex sellers and buyers in the eyes of the public is clearly reflected in the language used. Catharine MacKinnon (1994: 13) writes in her book *Only words* that “[s]ocial inequality is substantially created and enforced – that is, done – through words and images. Social hierarchy cannot and does not exist without being embodied in meanings and expressed in communications.” Accordingly, words are not only words, they contain certain meanings, ideas and positive, negative or neutral load. Vocabulary on prostitution is a striking example of this. There are a great number of words used in English language to refer to women in commercial sex industry: from highly negatively loaded slang words such as hooker, cunt, slut, bitch, etc, to more neutral words like sex worker, sex seller or prostituted woman.

One of the most often used term when referring to commercial sex is ‘sex worker’. Davis (2015: 1212) writes that this term was started to use “in the 1970s to legitimate professional sex in the face of the then-dominant feminist thought that objected to prostitution as exploitation and sought to abolish it and "rescue" the women who engaged in it.” The new sex-as-work discourse understood prostitution not as exploitation of women by men's sexual supremacy or a certain identity, but rather as a legitimate form of occupation (ibid.: 1212-1213). A sociologist Elizabeth Bernstein (1999: 111) adds that the word ‘prostitution’ and ‘prostitute’ connotes “shame, unworthiness or wrongdoing” while ‘sex worker’ suggest an idea that payable sex can be compared to other kinds of “service work”. This term is also often used in reports issued by international organizations, for example, United Nations.

In abolitionist view, sex in exchange for money is understood as exploitation and abuse of women and girls. Supporters of this approach asserts that the most appropriate term is ‘prostituted woman’ because it implies that prostitution is something done to women rather than chosen by them.

As mentioned earlier, used terminology in prostitution debates often shows one's ideological position. Words such as ‘sex worker’ or ‘sex work’ has often been used by those who stress women's choice and agency in commercial sex. Supporters of abolitionism rather use terminology of ‘prostituted women’ and their ‘prostitutors’. I see all three main perspectives on prostitution – criminalization, legalisation and abolitionism - as problematic in different aspects so in my work I aim to bring together different views on prostitution. Therefore I am going to use both

the terms ‘sex worker’, ‘sex seller’, ‘supply side’ as well as ‘prostituted woman’ interchangeably as I see these terms as more appropriate than the word ‘prostitute’.

Policy Responses Regarding Prostitution: Criminalization, Legalization and Abolitionism

Commercial sex gives rise to social, political and legal polemic. Prevailing debates on sexual labor and sexual abuse against women produce three main ideological positions: abolitionism, sex-as-labor approach, and criminalization. Different approaches consider prostitution in diverse viewpoints: abolitionists, for example, oppose to the idea of sexual labor and see prostituted women as victims of sexual exploitation while proponents of legalization perceive sexual commerce as a legitimate occupation. Different discourses towards sex markets establish different laws and policies towards prostitution. Further I am going to present the main policy responses regarding predominant commercial sex debates.

Criminalization of Sex Selling

Criminalization of sex selling approach sees prostitution as a social problem and aims to control this phenomenon by making it illegal. According to Scott A. Anderson (2002: 749), “despite its prohibition, prostitution continues to occur widely.” Criminalization approach is often criticized because it further marginalizes prostituted women by placing them “outside of legal protection, making them extremely vulnerable to predators who would exploit their relative powerlessness” (ibid.). Baskin et al. (2016: 359) give critique on the fact that persons “who are forced or coerced into engaging in sex work, or who are being exploited by another in sex work, are often more likely to be arrested” because they cannot choose when and where they work and so they cannot avoid being arrested. Moreover, usually it is the lowest link – prostituted women – and not their exploiters who are fined for prostitution. In other words, the system that arrests only prostituted women do not solve the problem of prostitution and neither reduces it because the most influential links – Johns and procurers – proceed without impunity.

Another harm of criminalization of prostitution is that prostituted women face huge hardships in case of health protection. As noted by Baskin et al. (ibid.: 361), “[w]here sex workers are criminalized, they are less able to negotiate safer sex practices with clients and have less access to testing, treatment, and health care in general.” Difficulties in getting professional healthcare

services lead to the spread of sexual diseases since women are not able to get regular checkups. Besides, women are unable to get help from law enforcement authorities in case of rape or other violence since they are understood as law offenders.

Sex As Work Approach

Proponents of the sex as labor approach argue that prostitution is not the only occupation that is exploitative. According to sex-as-work view, it is the unfavorable conditions and not the sex work itself that needs to be challenged. Those who advocate for professional sex and sex markets do not deny that commercial sex in large part is abusive, but they argue that abuse is not specific just for sex labor but rather how power relations work in patriarchal culture (Showden, 2011: 144). In other words, sex is not the only sphere where men apply power and violent treatment over women. According to sex work proponents, it is sexual abuse and violence, rather than commercial sex, that should be punished and exterminated. Hendrik Wagenaar (2006: 207) adds that prostitution should be seen and regulated as well as other occupations: prostitution “should be subject to administrative law that regulates the operation of sex establishments and labor law that regulates the working conditions of prostitutes“. According to this author (ibid.), regulation of sexual market helps to restrict such illegal activities as trafficking or sexual exploitation of juveniles. Wagenaar (ibid.) adds that legalization of sexual commerce allows the state to improve the rights of sex sellers as well as makes prostitution industry more transparent. According to Adrienne D. Davis (2015: 1213-1214), sex-as-labor approach asserts that criminalization of selling sexual services results in “stigmatization, marginalization, and punishment“.

Sex as work approach also notes that “prostitutes are constant re-offenders“ (Carrasquillo, 2014: 708). That is, fines and arrests are not sufficient methods to curb prostitution. Punishment of prostitution, according to sex-as-labor proponents, has a reverse effect – sex sellers have to work even more to pay off their fines (ibid.). Another harm that stems from criminalization, according to Tesla Carrasquillo (ibid.: 710), is “infringement on women’s sexual autonomy“. The author argues that women unconstrained to have sex for free, but when they receive money in exchange of sexual services, it becomes illegal (ibid.).

In short, this approach stresses that criminalization of sexual commerce makes women’s situation and working conditions more unsafe. Moreover, the illegality of this phenomenon, reproduce stigmatization and marginalization of sex workers.

Prostitution as Violence (Abolitionist Argumentation)

Contrary to the sex-as-work approach, abolitionists or radical feminists view sex work as exploitation and violence against women rather than legitimate occupation. Commenced in Sweden, the abolitionist laws regarding prostitution criminalize the purchase of sexual services, but not its sale (Davis, 2015: 1197). The Swedish Sex Purchase Act that was introduced in 1999 “for the first time in history, criminalises *only* the purchase, not the sale“ of commercial sex (Scoular, 2015: 8). Norway, Iceland and France have also endorsed the laws that criminalize the purchase but not selling of sexual services (Davis, 2015: 1197). In part the change made in Lithuanian law in 2005 can also be seen as a small turn to abolitionist approach towards prostitution because Lithuania extended the laws to punish buyers of sex while maintaining the criminalization of sex selling (Scoular, 2015:8).

What is often called as “the Swedish Model“ rests on the idea that most women enter prostitution because of poverty and other socioeconomic asperities, part of these women are victims of trafficking while sex buyers can afford to pay for sexual services. Feminist abolitionist approach revealed itself in the beginning of the 1990s that was marked by the collapse of the Soviet Union and when many women from former Soviet countries were given a promise of legal jobs in West Europe but in reality forced into prostitution.

An American sociologist and feminist Kathleen Barry (1984: 37) characterize commercial sex as violent treatment of women and argues that “the sex men buy in prostitution is the same sex that they take in rape-sex that is disembodied, enacted on the bodies of women who, for the men, do not exist as human beings.“ According to this author, what men buy in prostitution is the right to show male supremacy while humiliating and disrespecting women that already are socially stigmatised and put in conditions where they constantly face insecurity and limited exit options. Moreover, as many studies show (see, for example, Lutnick et al., 2015), physical violence and even rape is frequent in prostitution. Carisa R. Showden (2011: 138) adds that when men are given right to purchase women bodies, what they buy is control over a woman, who cannot choose when and with whom to have sex. For Showden (ibid.) “prostitution is domination“ rather than “sexual negotiation“ between the prostituted woman and her client.

It is important to stress that according to abolitionist view, prostituted women are equivalent to trafficked ones since both have restricted exit options and are exposed to violence. Abolitionist approach has much in common with antitrafficking strategies that similarly turn human

and sex trafficking into a criminal offense and punish traffickers but not their victims (Davis, 2015: 1209-1210). Moreover, this attitude denies women's agency in prostitution.

Abolitionist approach can be criticized for framing all women in commercial sex industry as victims of male sexual violence. Sandra Ka Hon Chu and Rebecca Glass (2013: 104) criticize the Swedish model for rendering "male and trans workers largely invisible". Moreover, viewing prostitution from sex as work approach, Chu and Glass (ibid.: 104-105) argue that sex workers cannot access social security benefits which are obtainable for other workers in service sector. A Swedish feminist and historian Susanne Dodillet and social anthropologist Petra Östergren (2011: 22) discussing about efficiency of Sweden's Sex Purchase Act add that "[w]hen clients are fewer on the streets, the clients have higher negotiating powers, which erodes the sellers' bargaining power." That is, the decreased number of clients creates greater competition among sex sellers, which further leads to "not be[ing] able to demand safer sex practices" (ibid.) and also means lower prices. Dodillet and Östergren (ibid.) also note that when clients are afraid of being arrested by the police, negotiations has to be made rushing, often choosing more isolated areas and as pointed by the authors "it is also more difficult for the seller to assess whether the client might be dangerous." Finally, because of criminalization of sex purchase clients are unwilling to report abuse against sex workers because they are afraid of being arrested (Chu & Glass, 2013: 106).

To sum up, abolitionist approach or *the Swedish model* is the newest policy response regarding commercial sex. Prostitution abolitionists believe that prostitution is abuse against women and that by criminalizing sex buying, demand can be greatly reduced. Moreover, abolitionist view is very much related to anti-trafficking policies. On the one hand, this approach favours women who were involved in prostitution by deceit. On the other hand, abolitionists do not acknowledge that there might be two types of prostitution: forced and voluntary. Furthermore, some authors (see Dodillet & Östergren, 2011; Chu & Glass, 2013) argue that there is a discrepancy between the claimed success of Swedish Sex Purchase Act and its real effect.

Sex Trafficking versus Prostitution

Issue of human trafficking is often mentioned when talking about prostitution and other types of organized crime in Lithuania. At a starting point of discussion about sex trafficking and prostitution, I find it important to present how human trafficking is defined in the Code of Criminal Procedure of the Republic of Lithuania. The article 147 stipulates legal liability for procuring:

The person who sold, bought or otherwise transferred or acquired, recruited, transported or kept in captivity another person using physical violence and threats, or otherwise depriving the possibility to resist or taking advantage of the victim's dependence or vulnerability, or by fraud, or receiving, or paying money, or receiving or providing other benefits to the person who actually controls the individual affected, if the perpetrator knew or intended that the trafficked person, whether (s)he agreed, would be exploited in slavery or similar to slavery conditions, such as prostitution, pornography or other forms of sexual exploitation, forced, false marriage, forced labor or services, including begging, committing the offense or other exploitation, shall be punished with imprisonment from two to ten years.⁴

Moreover, chapter 3 of the article 147 indicates that “the victim of trafficking can be exempted from criminal liability for the offense if (s)he was directly forced to commit a crime because of the act indicated in this article.”⁵ At the starting point of this discussion it is important to note that prostitution is an administrative offence in Lithuania while trafficking is a criminal offense.

According to the above mentioned article in the Code of Criminal Procedure, case of human trafficking must meet these claims: a trafficked person must be recruited and sold, transported, exploited and unable to resist. Comparing legal definition of trafficking and prostitution, it becomes clear that that trafficking and prostitution are seen as two opposite activities: sex sellers are seen as active agents and therefore can be punished and trafficked persons are seen as passive victims even though some of them know in advance that the job abroad will be prostitution.

Most of the stories discussed in media form a picture of young and vulnerable girls and women deceived by traffickers. For example, in January 2000, a sixteen year old Lithuanian girl Danguolė Rasalaitė threw herself off a bridge in Krusegatan in Malmö and died a couple of days later of injuries. A couple of years later, Lukas Moodysson made a film ‘Lilya 4-ever‘ that was based on this true case. Danguolė was abandoned by her mother who emigrated to the United States and got married there. The girl was left to live alone in a small town in Lithuania. Some time later Danguolė was offered a job of picking vegetables in Sweden. However, this was a deception and upon her arrival to Malmö her passport was taken by a trafficker who informed the girl that she owned him 20,000 Swedish krona for travel expenses and lodging. The debt then had to be worked off selling sex. Danguolė was deceived and forced into prostitution for two months.⁶

⁴ Article 147 in The Code of Criminal Procedure of the Republic of Lithuania. Translated by me. <http://www.infolex.lt/ta/66150:str147>

⁵ Article 147 in The Code of Criminal Procedure of the Republic of Lithuania. Translated by me. <http://www.infolex.lt/ta/66150:str147>

⁶ Source: a swedish article about Danguolė Rasalaitė <http://www.aftonbladet.se/nyheter/0003/23/balt.html> and a lithuanian article <http://www.delfi.lt/veidai/kinas/lietuvaite-svedijoje-tapo-kultine-asmenybe.d?id=2048983>. Translated by me.

This previous example of Danguolė is not unique. There are many stories in Lithuanian media about trafficked girls who come from socially disadvantaged environment and leave their home countries dreaming of better life and being promised a job abroad. Contrary to their expectations to work as nannies, vegetable pickers, waitresses or hotel employees, women are locked and forced to provide sexual services.

Prime Minister of Sweden - Fredrik Reinfeldt - in his Christmas speech⁷ in 2013 also pointed out the problem of human trafficking into Sweden from Baltic Region. In his speech he talked about two sixteen year old girls – Lydia and Aliona - from Lithuania who were sold into prostitution in brothel in Stockholm by Lydia's boyfriend. Just as well as Danguolė, these two girls were promised good jobs but when they arrived to Sweden, Lydia and Aliona became sex slaves who were constrained to pay back their 'debt' by providing sexual services to men. Gutauskas (2009: 26) finds that in many cases victims of human trafficking are young, uneducated girls who are socially vulnerable because of economic deprivation, unemployment or difficult situation in the family. Although men can also be lured into trafficking, there is a tendency that while men are trafficked by exploiting them in agricultural work or construction, women most often become victims of sex slavery. As observed by Gutauskas (ibid: 31), it is approximately one thousand women from Lithuania who are sold into prostitution abroad every year. However, human trafficking is characterized by high latency, so official statistics do not reflect the true scale of this problem.

While some women are deceived by promising prospective jobs as nannies, cleaners, etc, some are aware that they will work in commercial sex industry. Gutauskas (ibid.) makes a point that "many women from Eastern countries come to Lithuania voluntary." Munro (2008: 87) add that "a significant number of those identified as contemporary victims of trafficking have not in fact entered the destination country illegally." This shows how both prostitution and trafficking are complex issues and that strict separation between prostitution versus trafficking, and forced versus voluntary is insufficient. Both in trafficking and prostitution there are different levels of women's agency as well as different conditions that impact people's choices. In other words, commercial sex should be seen in a broader perspective and from different discourses. Even though it cannot be denied that abuse and mutilation are specific to commercial sex business, it cannot be claimed that in no trade sex trade arrangement there are mutual consent and benefit for both parties. It can be argued that commercial sex itself does not create harm. As argued by Vanessa E. Munro (ibid.: 92), "the differences that exist between overall harmful and overall harmless transactions, and between

⁷Fredrik Reinfeldts Christmas speech. Source: <http://www.moderat.se/nyhetsartikel/fredrik-reinfeldts-jultal>. Fredrik Reinfeldt is a former Sweden's Prime Minister.

giving consent under conditions of constraint and under conditions of full freedom, need not be ignored.” That is, exploitation is not always necessary to a commercial sex transaction as well as there might be certain levels of agency in trafficking which requires to distance from moralising and examine these practices more critically in order to improve the situation of people working in sex trade.

Brief Overview of the History of Prostitution in Lithuania

Laws regarding prostitution has become an object to fundamental changes quite many times during Lithuanian history. This is in large part related to the country's history: prostitution flourished in major cities up until the Second World War when Lithuania became a part of the Soviet Union and commercial sex was asserted as non-existing. The word ‘prostitution‘ was eliminated from public discourse and the government tried to create the illusion that prostitution was eradicated in the whole Soviet Union. The third important period regarding sexual commerce began when Lithuania regain its independence and right to its own legal system.

Prostitution in Lithuania until the Second World War

In this and the following paragraph I am going to briefly overview the spread of prostitution until the Second World War referring to a Lithuanian sociologist Valdas Pruskus. The author (2010: 109) notes that prostitution in Lithuania dates back to the 15th century. At this time prostitution was most often found in urban settings. However, there were only a few cities in Lithuania at that time and they were not so developed: population in urban areas was sparse and there were not many town dwellers since the majority of people living in cities consisted of immigrants from the countryside (ibid.). Moreover, importance of family and its values were very strong at that time, and this also helps to explain why prostitution was not outspread during this historical period (ibid). Valdas Pruskus (ibid.) asserts that prostitution came to Lithuania with strengthening of trade relations with the West world. However, the number of prostituted women extremelly increased after abolition of serfdom in 1861 when a great number of peasants began to move to cities in order to get labor (ibid.: 110). Unable to find work, some women became prostitutes. The phenomenon of prostitution spread and government’s effort to handle prostitution by penalizing women had become ineffective. Late in 19th century the prostitution was legalised

and all the prostituted women had to register themselves at the police stations as well as to have medical examinations.

During the First World War many brothels were set up in major cities – Vilnius and Kaunas – to serve German soldiers (Pruskus, *ibid.*). After Lithuania became independent and German military left the country, many brothels lost their regular clients and prostituted women remained without income. Some of them began to work independently and look for clients in cafes, restaurants or hotels in major cities. The increased spread of sexually transmitted diseases was observed and government decided to control the situation by compiling a register of prostituted women as well as obliging sex sellers to undergo medical checkups twice a week. Moreover, they had to follow certain rules, for example, it was not allowed for more than two prostituted women to live in one apartment, as well as to live near schools or serve persons under the age of eighteen. Furthermore, upon registration a prostitute had to give her passport to police officers and instead of it she got a personal identification document of a prostitute. Various prohibitions and even special identity documents turned prostituted women into a separated and stigmatised group. Prostitutes tried to avoid registration and, according to Valdas Pruskus (2010: 114), in 1928 there were only 335 prostitutes registered while the government presumed that the majority drove sexwork underground, so the actual number of prostituted women was estimated to be around three thousand.

Prostitution in Soviet Lithuania: Five Decades of Silence

A crucial point in the history of Lithuania and social development processes in general was the beginning of the Second World War and later five decades of Soviet occupation. On 23rd August 1939 the Ribbentrop-Molotov pact was signed between Nazi Germany and Soviet Union where two parties divided the spheres of interest. According to secret protocols written on 23rd August, Lithuania was assigned to the German sphere of influence but later on September 28th the two powers – the German foreign minister Joachim von Ribbentrop and the Soviet foreign minister Vyacheslav Molotov – signed a new agreement by which Lithuania was transferred to the Soviet forces (Senn, 1990:43). In August 1940 Lithuania was incorporated into the Soviet Union (*ibid.*) and its legislations were changed to comply with the legal system of the USSR. The country remained under the rule of Soviet control until 1990 when Lithuania's independence was regained.

Finding information about prostitution in Soviet Lithuania is difficult. During Soviet governance prostitution was seen as a social evil that was shrouded in aura of taboo and

secrecy. According to Dalia Marcinkeviciene and Rima Praspaliauskiene (2003: 651), “[t]he subject of prostitution in the Soviet era forms a blank space in Lithuanian historiography; indeed, such a silence is common to all areas that share a Soviet past.” Although Lithuania has been independent for more than two decades, very little research has been conducted and only a few articles regarding the phenomenon of prostitution in Soviet Lithuania can be found. I have contacted The Police Department under the Ministry of Interior in order to get statistics regarding prostitution until 1990 but unfortunately retention period of paper reports has expired long ago and there is no data remained.

When talking about sexuality and normativity, it is important to note that maternity was seen as a natural predestination in the Soviet era (Gradskova, 2007: 73). In other words, femininity and motherhood were considered to be two sides of the same coin and woman’s willingness to have children was undisputed. Moreover, only a very small proportion of children were born out of wedlock because cohabitation was frowned upon and all couples living together were required to marry. In Lithuania cohabitation began to appear only in the last decade of the twentieth century, that is to say, several years after restoration of independence when the country again became open to the influence of Western culture. Besides, it was indisputable that a couple or two married adults ought to be a man and a woman. Just like femininity and motherhood were perceived to be almost synonyms, masculinity was inseparable from heterosexuality. Morality, monogamy and marriage were proclaimed to be the cornerstones of the society at that time. Such topics as sex and sexuality were not discussed publicly during the Soviet times. Therefore it is not surprising that prostitution was understood as profound immorality and evil.

During Soviet governance, prostituted women were seen as ‘bad women’ who did not contribute to the public welfare with their work. The communist government made it an aim to destroy the phenomenon of prostitution completely (Marcinkeviciene & Praspaliauskiene, 2003: 652). On June 14th, 1941, and the following four days, 449 prostituted women were sent to Siberia (ibid). Prostitution disappeared from public discourse: there was not any paragraph in the Code of Criminal Procedure regarding liability of selling of sexual services and no official records on prostitution cases either (ibid.) Soviet authorities publicly asserted that there was no prostitution in the Soviet Union. The word ‘prostitution’ was even eradicated from encyclopaedias. Marcinkeviciene and Praspaliauskiene (2003: 653) observe that this word was not mentioned in *The Small Soviet Lithuanian Encyclopaedia* that was published in 1959. Paradoxically, although sex selling topic was wrapped in silence and it was argued that there ‘was no prostitution’ in the Soviet Union, sex trade did exist among indigent women and higher class of that time: government officers or soldiers. The latter were ensured quite decent living by the government and could afford paying

for sex or exchange food rations (ibid: 656). Needy women, especially single mothers, would involve into prostitution to get extra income.

Five decades in the Soviet Union is an integral part of the history of Lithuania. A large part of Lithuanian citizens are born and grew up in the Soviet Union. Political system and ideology of that time certainly had influence on their worldview. Soviet ideology formed not only the ideals of femininity, but also of masculinity.

The Overview of Current Prostitution in Lithuania

Prostitution, as mentioned earlier, is illegal in Lithuania and is a subject to fines according to the Code of Administrative Offences. Because of its clandestine nature it is hardly possible to predict the actual prostitution scale in Lithuania since entire sex market operates illegally and underground. Street prostitution which is probably the most visible is only a small part of the whole prostitution business. Most of advertisements related to prostitution are announced on the Internet or in newspapers and they usually offer massage, though it is a public secret that the vast majority of such advertisements are offering sexual services. Tureikyte and Sipaviciene (2001: 122, 315) note that although prostitution is forbidden in this Baltic country, judging by announcement published in the press about “masagge relaxing the whole body“ or “relaxing erotic massages“, commercial sex services provided by prostituted women are quite easily available.

Prostitution in Lithuania is for the most part organized and controlled by agencies (ibid.: 285). According to the AIDS Centre’s and Ministry of Interior assessment, in the capital city Vilnius alone there are 15-20 well-established agencies and from 1,000 to 3,000 women providing transactional sex (ibid.). According to Tureikyte & Sipaviciene (ibid.: 287), the majority of prostituted women are mainly Lithuanian nationals, but foreigners, mainly from neighbouring countries such as Belarus, Russia and Ukraine, are an integral part of prostitution business. The age of women who are engaged in illegal commercial sex varies a lot, but the basis are women and girls are between 18 and 30 years old (ibid.: 293). There are also minors involved in prostitution. However, there are not many girls under the age of 18 who provide commercial sexual services. According to data sent by The Police Department under the Ministry of Interior, there was only one registered case of minor prostitution for the period 2013 - 2015. According to Tureikyte and Sipaviciene (2003: 294), the education level of both prostituted women and victims of sex trafficking is lower than the the average in Lithuania. However, there are cases of women with higher education tricked into trafficking or being prostituted. When it comes to marital status, the

greater part of women are single. However, there are also married and divorced women who provide commercial sex (ibid.: 298). Tureikyte and Sipaviciene referring to data of the survey of 142 prostituted women conducted by the Social Diseases Centre “Demetra“ observe that although 75 per cent women in this inquiry were single, half of them had children. Consequently, economic deprivation and unemployment among single mothers is a strong push factor to prostitution. Poverty makes them seek for any source of income.

Difficult economic situation and poor living conditions are indisputably one of the main reasons why girls and women get involved in prostitution. However, material deficiencies often is just the tip of the iceberg and involvement in prostitution cannot be related only to bad economical living. As stated by Tureikyte and Sipaviciene (ibid., 302), women who have seen alcoholism in the family, experienced child neglect or have traumatic experiences of sexual abuse in childhood are more likely to get engaged into prostitution. Drug use may also become a push factor to begin sell sex. As noted by Tureikyte and Sipaviciene (ibid.: 304), there is an interrelatedness between taking drugs and prostitution: sometimes women begin with prostitution and then start using drugs; sometimes vice versa – they begin with drugs and later become prostitutes. A prostituted woman interviewed by Tureikyte and Sipaviciene (ibid.) claimed that “drugs help, because without having taken them it would be difficult to do that. One must be under a slight effect. Many do that.“

Both prostitution and trafficking are considered as organized crime. Victor Malarek (2009: xiii) points out that “trafficking of human beings is the third highest money-making operation for organized crime behind the sale of illegal drugs and weapons.“ Both prostitution and trafficking are highly profitable activities for procurers. Tureikyte and Sipaviciene (ibid.: 284) add that “trafficking in women is closely interrelated with the prostitution business: the local sex industry and trading women abroad are two parts of the one phenomenon.“ According to IOM (2001: 10), Lithuania has the largest number of trafficked women among the Baltic States.

THEORETICAL FRAMEWORK

The following part focuses on the theoretical framework guiding this thesis. Given the aim to better understand how prostitution policy-practice divide is produced and recreated in Lithuanian legal system, I find it useful to use Nils Christie's (1986) notion of ideal victims and Erving Goffman's (1963) theory of 'social stigma'. Criminologist Nils Christie (1986) argues that since victimhood is socially constructed some victims earn more sympathy than others. Christie distinguishes some key points that are intrinsic to 'ideal victims' and its antithesis – 'ideal offenders'. Using his theory, I will try to analyse victimhood and its connection to commercial sex industry in Lithuanian context. Moreover, I will also use Goffman's (1963) idea of 'social stigma' which is also very useful in trying to explain how one's identity, for example, sex workers', is socially constructed and how their inferiority due to their stigma is created and maintained. Bringing these two theories together will hopefully form a theoretical basis for better understanding of prostitution in Lithuania and how sex sellers are turned into a particular and discriminated group in the society.

The (Non-) ideal Victim

Professor in criminology Nils Christie (1986) has coined the concept of *the ideal victim* which refers to crime victims who are easily granted legitimate status of being a victim in the eyes of the public. Nils Christie describes an ideal victim as follows:

With the term 'ideal victim' I do not think of the person or category most perceiving herself or himself as a victim. Nor do I think of those in the greatest danger of being victimized or most often victimized. These might or might not be included. *By 'ideal victim' I have instead in mind a person or a category of individuals who when hit by crime most readily are given the complete and legitimate status of being a victim.* (1986: 18; italics in the original)

In other words, not all the victims possess same status and equality in the eyes of the law; some individuals are supposed to be more deserving a victim status than others. This theory is very relevant nowadays because the past two decades have witnessed an emergence of new – abolitionist – discourse towards prostitution resulting in law reforms in Sweden, Iceland, Norway and France.

Nils Christie (1986: 18) gives an example of an old lady going home after having taken care of her sick sister who was hit and robbed by a strong man who robbed her for alcohol or narcotics. The ideal victim in this case is weak and old. In the eyes of the public old, sick or very young individuals are seen as more vulnerable and more eligible victims. The victim was acting morally – going home after having taken care of her sister. Furthermore, the ideal victim – in this case old lady – could not be blamed for being at the ‘wrong’ place at the ‘wrong’ time since robbery happened during day time on her way home. Finally, the ideal victim cannot be accused of what happened because she neither purposely nor deliberately exposed herself to the likelihood of crime (Kuosmanen & Starke, 2015: 63). The robber was respectively big and strong, and acting immorally. Christie’s example illustrates that the notion of victimhood is socially constructed and highly depends on particular socially constructed images of who can become officially recognized as vulnerable and deserving victims. The more ideal the victim is, the more sympathy he or she gets. Criminality is also socially constructed and rely on certain notions of what constitutes an ideal offender, where gender, class, race and ethnicity plays an important role. The importance of socially constructed beliefs about victimhood and criminality, and social context in general is clearly visible in cases of prostitution. In the pro-sex and criminalization approaches prostitution is seen as optional and voluntary choice that women make themselves. Some authors call prostitution a victimless crime rather than abuse against sex sellers as it is in abolitionist discourse.

Ideal victims are inherent from ideal offenders. According to Nils Christie (1986: 25), “the more ideal a victim is, the more ideal becomes the offender“, and vice versa: “the more ideal the offender, the more ideal is the victim“. As noted by the author (1986: 26): “he is, morally speaking, black against the white victim“. But what about non-ideal victims and non-ideal offenders? In prostitution case, it can be argued who/if there is a victim and an offender in commercial sex transaction since prostitution laws shift from one country to another. Looking from abolitionist position, prostituted women are victims and their prostitutes are the offenders. However, pro-sex supporters claim that prostitution as occupation itself is not victimizing women. It is abusive behaviour that should be eliminated because sex workers are rather agents than victims. Finally, criminalization approach that operates in Lithuanian legal system sees both the seller and the buyer as delinquents. Criminalization of sex selling has been greatly criticized because in case of rape or other sexual abuse women cannot get help from the police since their occupation is illegal. In other words, in sexual violence cases two identities – offender and victim – encounters and create a very complex situation. In summary, not all victims are alike and ideal, neither offenders. The notion of the victim rests on social presumptions about moral values. This becomes

evident when analyzing different discourses and as a consequence different laws towards prostitution.

David Miers (2014: 157) adds an important point to the ideal victim discussion: “the first requirement of being a deserving victim is to be a good citizen: good citizens cooperate with the police“ and other authorities. Another needed principle for being recognized as a victim, according to David Miers (ibid.), is the presence of injuries, pain, suffering or other harm. The experience of physical injury is a prerequisite to be seen as a legitimate victim. However, as noted earlier, not all cases of suffering and harm earn sympathy and assistance. I shall return to this statement in empirical part.

Prostitution and Social Stigma

Sociologist Erving Goffman (1963: 10) defines *stigma* as “the situation of the individual who is disqualified from full social acceptance“. The sociologist (Goffman, 1963: 13) distinguishes three diverse types of stigma: first, different physical malformations of the body, such as absence or deformations of certain body parts; second, faults of one’s character, for example, “weak will, domineering or unnatural passions, treacherous and rigid beliefs“ that are associated with such vices as “mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts, and radical political behaviour“; and finally, there is “stigma of race, nation, and religion. Prostitution can be ascribed to be second group. Erving Goffman (1963: 30) explains that there might exist a discrepancy “between an individual's virtual and actual identity.“ Virtual assumptions is “the character we impute to the individual“ meanwhile actual social identity is “attributes he [stigmatized person] could in fact be proved to possess“ (Goffman, 1963: 11).

Sex trade can be seen as marked with stigmata, and those who sell sex are construed as distinct, affronting sexual, moral and societal norms (Hammond & Kingston, 2014: 330). Engaging in selling and buying of sexual services is “somewhere on the spectrum of ‘deviance“ (Sanders, 2008: 1). If revealed in the public, paying for commercial sex causes objection and disgrace: “[t]hose judges politicians, and celebrities who are caught in compromising positions with ‘hired‘ women appear to have flouted civilities, disgraced themselves and shamed their families“ (Sanders, 2008: 1). That is, stigma is “an undesired differentness from what we had anticipated“ (Goffman, 1963: 14). This ‘undesired differentness‘ and not meeting up predominant social expectations causes variety of discrimination from ‘the normals‘ as Goffman calls it. In terms of

prejudicial treatment of prostitution, it is worth remembering some historical examples. Lithuanian sociologist Valdas Pruskus (2010: 113) writes that in interwar Lithuania sex sellers were not allowed to live near schools or go to the theaters. Such control system turned prostitution into a particular social group that was given increased attention not only by the government, but also the press, and through it, the whole society (Pruskus, *ibid.*).

Every society has its values regarding sexuality and what is socially desirable and undesirable in terms of sexual behaviour. Talking about sex work, Hammond and Kingston (2014: 331) claim that “there are deeply ingrained cultural attitudes and perceptions of those involved in the sex industry which can often lead to stigma.” Teela Sanders (2008: 1) adds the point that “[w]e, in the West, are socialised into believing that this ‘pure’ form of intimacy is ‘right’ and ‘proper’, that the only legitimate route to mutually satisfying, healthy relationships is to be found in the ‘comfort zone’ of orthodox sexual relationships.” Sanders (2008) also claims that society’s attitude towards sex buyers is different than to men who have several non-commercial sexual partners. Paying for sex in many countries is seen as deviant and punishable activity and this contributes towards constructing commercial sex as a stigmatized practice (see Sanders, 2008).

In order that a stigma would come into being, “dominant cultural beliefs must produce labels which are then linked to stereotypes” (Sanders, 2008: 115). Labels, according to Sanders (*ibid.*), “are a set of undesirable characteristics“. When negative cultural beliefs converge with negative labelling, two categories – ‘us’ and ‘them’ – are created (Link & Phelan, 2001: 367), or as expressed by Goffman (1963: 14) – ‘the normals’ and ‘a person with a stigma’. Link and Phelan (2001: 367) distinguish four stages of stigmatising. First, “people distinguish and label human difference“. There are differences that are overlooked, for instance, one’s car color (*ibid.*). Other differences, such as one’s race, sexual orientation, gender, disability are of greater importance (*ibid.*). In other words, “there is a social selection of human differences“, which results in that some differences are ignored and some are given labels (*ibid.*). Second, according to Link and Phelan (*ibid.*), “dominant cultural beliefs link labeled persons to undesirable characteristics to negative stereotypes“. In case of prostitution, sex sellers are constructed as ‘dirty’ and ‘diseased’, ‘deviant’, ‘unworthy of love’ (East et al., 2012: 17-18) meanwhile sex workers’ clients are seen as ‘incapable of attracting a woman’ and ‘sadist’ (Sanders, 2008: 116). Subsequently, distinct categories or segregation between ‘us’ and ‘them’ is created (*ibid.*). As it regards the specific case of Lithuania’s prostitution law, there are ‘the normals’ as expressed in the Goffmanian sense and then ‘them’ – sex buyers and sellers. Finally,

“stigmatization is entirely contingent on access to social, economic, and political power that allows the identification of differentness, the construction of stereotypes, the separation of labeled persons into distinct categories, and the full execution of disapproval, rejection, exclusion, and discrimination“ (Link & Phelan, 2001: 367).

That is, prostituted women and at some degree their clients are shown disapproval for their practices by punishing them. I will expand stigma theory by specific examples in the analysis part where I will analyse police reports on prostitution stings.

METHODOLOGY

The following chapter is going to consider methodology of the thesis. In order to explore how huge disparity between fined sex sellers and their clients is created and reproduced in Lithuania, I decided to study legal acts and reports on prostitution arrests, that is, juridical law and how it is implemented in reality. In this part I am going to discuss my methodological approach, choice of data, and ethical concerns. Limitations of this work will be looked into as well. Finally, the procedure of analysing the data will be reflected on. The aim of this chapter is to present the methodology of this research to the reader and to review what procedures and steps were taken when implementing analysis of legal acts and police reports on the researched matter.

Project overview

Since my aim with this thesis is to better understand current prostitution in Lithuania as well as how prostitution policy-practice divide is reproduced in Lithuanian legal system, I am going to use qualitative research methodology. This methodology was chosen for several reasons. First of all, it helps to determine and depict the complexity of social problems, for example, prostitution (Marshall & Rossman, 1999). Especially in this case when there is little knowledge about this problem in a particular context, that is, Lithuania. Moreover, qualitative methodology is helpful finding contradictions built into laws and legal system in general (ibid.). Lastly, analysing legal articles concerning prostitution and reports on prostitution arrests that are available on the police website, I will be able to identify how legal acts are taken into account and applied in law enforcement work. In this case, qualitative methodology is useful both for its explorative character and flexibility that allows the researcher to include relevant and unanticipated themes to her research.

Methodological Approach

The aim of this study is to try to explain how prostitution policy-practice divide is created and reproduced in Lithuanian legal system. For this purpose I am going to use content analysis. This method is often used in social sciences for analysing different texts and how they “reflect cultural patterns of groups, institutions, or societies“ as well as “reveal the focus of

individual, group, institutional, or societal attention“ (Weber, 1990: 9). Erving Goffman (1963: 39) whose theory of ‘social stigma‘ I use as part of my theoretical framework, also stresses the importance of texts when it comes to depicting of actions of stigmatised groups:

“[e]ach time someone with a particular stigma makes a spectacle of himself by breaking a law, <...> a local community may take gossipy note of this; these events can even make news in the mass media of the wider society.“

Following up this Goffman’s remark, reports on prostitution arrests is an important data since it not only informs the fact that someone broke the law but also form a certain attitude against this issue of commercial sex. As noted by Weber (1990: 10), “communication is a central aspect of social interaction.“ Communication is very important since it not only conveys information but also is used in constructing certain representations of people or events. Catharine MacKinnon (1994: 13) also pays great attention of importance of language and claims in her book *Only words* that

“[s]ocial inequality is substancially created and enforced – that is, done – through words and images. Social hierarchy cannot and does not exist withoug being embodied in meanings and expressed in communications.“

Accordingly, words are not only words, they contain certain meanings, ideas and positive, negative or neutral load.

Another advantage of content analysis of various texts is that documents “exist over long periods of time“ (Weber, 1990: 10). This is very helpful in this work since one of the goals with this thesis is to overview how legal attitude towards prostitution has changed during several decades and how it is highly dependent on political context of that time.

Finally, content analysis is an obtrusive method when compared with interviews, for example. That is, “neither the sender nor the receiver of the message is aware that it is being analyzed“ (Weber, *ibid.*).

Data

In the analysis part, I am going to examine various data, for example, articles in the Code of Criminal Procedure as well as the Code of Administrative Offences of the Republic of Lithuania regarding prostitution and how they changed over time. In addition to this, I am going to

analyse the reports published on the Police website. As noted by Marshall and Rossman (1999: 116), “the review of documents is an unobtrusive method, rich in portraying the values and beliefs.” For the reason that my aim with research is to better understand and try to explain how prostitution-policy practice divide is created and reproduced in Lithuanian legal system, I will use content analysis as my analytic approach since it enables the researcher to see how certain attitude is constructed in representing particular groups in society. Marshall and Rossman (ibid.: 117) emphasize that “the greatest strength of content analysis is that it is unobtrusive and nonreactive: it can be conducted without disturbing the setting in any way.” Moreover, “the information can therefore be checked” (ibid.). A possible weakness with this analytic approach, however, is “the span of inferential reasoning” (ibid.). That is, when applying content analysis, much depends on how the researcher interprets the data. Numbers do not speak for themselves; analysing written documents and laws involves interpretations by the researcher. Document or statistical data do not have inherent significance, it is the researcher who analyses the data and turns it into report.

The first step in content analysis, according to Daniel Riffe et al. (2005: 56), is identifying problem and reviewing theory. Then the researcher should formulate the research question and consider the most suitable methodological approach (ibid.). after this follows processing data and conducting analysis. In analysing data, I used six analytic procedures suggested by Marshall and Rossman (1999: 152-165). First of all, I have organized the data. It is important that the researcher is highly familiar with the data and know it “inside out” by the time she is ready to start the analysis (Taylor & Bogdan, 1984: 130). One of the first steps was finding the articles and other information that would be used for analysis and reading it carefully. After this, main themes were generated in order to develop coding categories. After having read all the articles on commercial sex business published on the police website, two very apparent themes emerged – trafficking and prostitution. Since both themes are seen as related (most of reports on trafficking cases characterize trafficking as forced prostitution), I analysed them both. The third step was to break down the texts in smaller units (Weber, 1990: 22). For example, when looking at shorter segments, such codes as ‘agent of illegal action’, ‘the action’, ‘the victim’, etc were distinguished. All the articles concerning commercial sex issue that were available on the police website were coded by the author using Microsoft Excel. Finally, I looked into these categories and how, for instance, victims of trafficking or sex sellers were represented and what repetitive attributes were assigned to them. Weber (1990: 22) also points out that is important to pay attention not only to the emerging and recurrent themes and categories, but also “positive, negative, or affectively neutral references.” In other words, what load is expressed. For instance, a sentence with the phrase ‘loose behaviour woman’ was counted as negative reference.

Next phase suggested by Marshall and Rossman was testing emerging understandings. According to Marshall and Rossman (1999: 157), “[t]he researcher should determine how useful the data are in illuminating the questions being explored and how they are central to the story that is unfolding about the social phenomenon.” That is, this step is taken in order to assess the data for its functionality and centrality. One of the final steps was searching for alternative explanations. After the principal categories and themes have been identified and the data has been coded, the researcher should try to challenge “the very patterns that seem so apparent” (ibid.). that is, the researcher should look for other available possibilities and show why the explication presented is the most reasonable. The last phase of data analysis was reporting the results of research in order to answer the research question.

ANALYSIS

The first section of my analysis briefly overviews how prostitution laws had changed in Lithuania from the early 1960s until the late 1980s. At this time Lithuania was a part of the Soviet Union. I see this historical period as very important due to several reasons. First of all, during these two and a half decades Lithuania's legal and political systems faced lots of big changes. Moreover, sexuality topic was a total taboo in the Soviet Union meanwhile the West world experienced sexual revolution and liberalization of social and moral views on sex. I see historical context as very important in trying to understand current situation of prostitution and how women are treated by law. In the late 1980s, it was acknowledged that prostitution which presence had been denied by Communist authorities for more than four decades did exist in Soviet Lithuania.

In the second part of analysis I will take a look at prostitution laws from the beginning of 1990s when Lithuania regained its independence until nowadays. I discuss how laws regarding commercial sex has changed over five decades because I see these dynamics as very important in trying to understand current legal system. In sum, part one and two follows how Lithuanian legal acts has changed since the 1960s and towards which directions it is evolving.

Afterwards, I examine how law enforcement officers treat prostitution and how they implement prostitution laws into their work. In this part I focus on how prostitution legal acts are interpreted in reality. With this work I attempt to contribute to the filling of this blank space as well as try to critically look at the current prostitution laws and their enforcement in practice.

Overview of prostitution laws and its change from the early 1960s to late 1980s

The oldest legal act concerning prostitution that I was able to find dates back to 1961. As it was mentioned earlier, at that time Lithuania was a part of the Soviet Union and country's legislations complied with the legal system of the USSR. In the Code of Criminal Procedure of the Lithuanian Soviet Socialist Republic⁸ that came into force on May 26th, 1961, the word 'prostitution' was mentioned only once. Article 241 stipulates legal liability for involvement of minors in criminal activities: "[t]he incorporation of a minor in criminal activity or the pursuit of begging or prostitution shall be punished by imprisonment of up to five years with banishment from

⁸ The Criminal Code that came into effect in 1961 is the oldest one that can be found for public access on Lithuanian Parliament's website. Generally, Lithuanian laws were complied with the legal system of the USSR after Lithuania was incorporated into the Soviet Union in 1940.

one to three years, or without banishment.⁹ As it can be seen in this extract from the article of the Code of Criminal Procedure, prostitution is mentioned among other socially undesirable activities of that time, for example, begging. Moreover, it is worth paying attention to means of punishment of that time – in the Soviet Union exile was used as a way to discipline delinquent persons.

In chapter 10 of the Code of Criminal Procedure, dealing with crimes against public safety and public order, there is an article stipulating responsibility for the forced prostitution and pimping. Article 239 stipulates imprisonment up to five years with or without confiscation of property as well as with or without exile from one to three years “for possession and procuring of slums“. The article incurs legal liability for “keeping and procuring places¹⁰ for procurer’s lucrative purposes where persons could gamble, lead a sexually depraved life or use drugs.“ Although the word ‘prostitution’ is not used in the original text, it can be stated that the article deals with forced prostitution and procuring.

These two criminal articles that I have discussed above show that prostitution did exist in the Soviet Union although propaganda tried to create an illusion and convince the public the other way. Dalia Marcinkeviciene and Rima Praspaliauskiene (2003: 653) make a point that “[t]he articles in the Code of Criminal Procedure indicate that not only women, but also minors were involved in prostitution.“ It is worth pointing out that adult prostitution and legal liability for selling or buying sexual services was not mentioned in the Code of Criminal Procedure, only keeping and procuring of this activity were objects to punishment. As mentioned earlier, by erasing the word ‘prostitution’ from legal acts and public discourse, the government tried to create assumption that commercial sex did not prevail in Soviet Lithuania.

Another important point to note is that prostitution in the Soviet Union was rather seen as an issue “more concerned with the ‘social disintegration’ of prostitutes rather than their sexuality“ (Havelkova, 2016: 183). Marcinkeviciene and Praspaliauskiene (2003: 653) add that women who engaged in prostitution occasionally, that is, had a public occupation besides commercial sex, were tolerated: “the Code of Criminal Procedure did not refer to women who were engaged in prostitution and had a job within an official institution“. According to the authors (ibid.), this shows government’s twofold attitude towards involving in prostitution. On the one hand, prostitution was seen as social evil that should be eliminated. On the other hand, having an official job, that is, working “useful to society“ and being involved in prostitution only sometimes did not attract much legal attention (ibid.: 654).

⁹ Original text in Lithuanian, translated by the author. Source: Lithuanian Seimas’ (Parliament’s) website http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=20465&p_query=Prostitucija&p_tr2=2

¹⁰ The original word used in the Criminal Code is ‘lindynė’ which has a negative, derogatory meaning in Lithuanian. Current Lithuanian Language dictionary defines ‘lindynė’ as an obscene place, a shack, a slum, a hole.

From 1985 Lithuania's legal system has been governed by two Juristical Codes: the Code of Criminal Procedure and the Code of Administrative Offences. That is, criminal liability was separated from administrative liability. It is important to note that until 1985, prostitution was a criminal offence. In 1985, this activity was reclassified into administrative misdemeanor.

Lithuania in the mid-1980s was still a part of the Soviet Union but the political climate was much freer when compared to two decades ago. Prostitution again appeared in legal discourse. It was recognized as illegal act and treated as an administrative offence. Further I am going to analyse changes made to the Code of Administrative Offences from 1985 when it came into effect until today. I will give much attention to the article 182¹ that directly deals with prostitution. Subsequently, I will also draw attention to the Code of Criminal Offences and its interface with prostitution and human trafficking as well as pornography.

A brief background is important and helpful in trying to understand these big changes that occurred in relatively short time, two decades. Mikhail Gorbachev, the last General Secretary of the Soviet Union, came to power in 1985, and the democratization of the Soviet policies began. Gorbachev's politics of *glasnost* ('openness' in Russian) as well as *perestroika* ('restructuring') lead to more open discussion of social and political issues. As noted by Laurence Anthony (1988: 24), "the Kafkaesque gap between reality and doctrine in the Soviet Union" had narrowed when Mikhail Gorbachev became the leader of the Soviet Socialist Republics.

Approach towards sexuality also become more open and more liberal. According to Christopher Williams (1994: 21), "[u]nder Gorbachev sex ceased to be a taboo subject as censorship was relaxed and attitudes liberalised as a result of his policy of *glasnost*." Laurence Anthony (1988: 24) adds that "[i]n the fall of 1986, the Soviet press began to admit that, yes, there are prostitutes in the USSR; at that time, however, the press emphasized that the problem was a foreign import restricted to a few tourist hotels in major cities." A couple of years later the press admitted that prostitution existed between both the Soviet and foreign clients.

The coming of a new General Secretary and the big changes in the whole political system clearly reflects in the Code of Administrative Offences of 1985. It was made official: prostitution would now be an administrative offense. Article 182 stipulated legal responsibility for keeping obscene and depraved places: "keeping of places where one could gamble, lead a sexually depraved life, or consume alcohol incur a fine of up to fifty rubles"¹¹. Chapter 1 of article 182 directly indicates legal liability of selling sexual services: "engaging in prostitution incurs a warning or a fine of up to one hundred rubles. The same actions committed repeatedly within one year after

¹¹ Original text in Lithuanian, translated by the author. Source: Lithuanian Seimas' (Parliament's) website http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=20463&p_query=Prostitucija&p_tr2=2

the administrative penalty incurs a penalty of up to two hundred rubles¹². Like in the Code of Criminal Procedure of 1961, the word ‘lindynė’ is also used in the administrative law that came into force in 1985. As written earlier, this word has a strongly derogatory meaning in Lithuanian language and can be translated as an obscene place, a shack, a slum, a hole. It is important to pay attention to fundamental changes in punishment system. In 1961 the keeping and procuring of places where one could lead a depraved life could incur the imprisonment up to five years with or without confiscation of property as well as with or without exile from one to three years. In the Code of Administrative Offences of 1985 punishment for the same illegal activity was much less harsh: offender should pay the fine of up to fifty rubles. It is clear that the administrative law of 1985 stipulates more modern methods of punishment. First of all, such punishment as exile no longer existed in the 1980s. Moreover, punishment restricting individual’s freedom, that is, expatriation or imprisonment, was changed to monetary punishment.

Analysing the situation of prostitution and overall political climate in Soviet Lithuania, it can be seen that two decades between the 1960s and 1980s were full of changes. In the mid-1980s when political climate got freer and it was admitted that prostitution did exist in the Soviet society. That year, a separate article regarding prostitution came into being in the Code of Administrative Offences of the Republic of Lithuania.

Overview of laws regarding prostitution and trafficking from the early 1990s to nowadays

A couple of years after Lithuania has regained its independence, some minor changes were made to the article 182¹. According to amending and supplementing that came into effect on June 29th, 1994, selling of sexual services shall incur a fine of three hundred to five hundred litas. Moreover, the same action – providing sex in exchange for money - committed by a person who has already been given an administrative penalty for this illegal activity shall incur a fine of five hundred to one thousand litas or administrative arrest up to thirty days. It is hard to compare changes made in 1994 with prostitution law in 1985 because Lithuania regained its independence from the USSR on March 11th, 1990, and country’s national currency again became litas. Fine in 1994 and 1985 was respectively from five hundred to one thousand litas and up to fifty rubles.

¹² Original text in Lithuanian, translated by the author. Source: Lithuanian Seimas’ (Parliament’s) website http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=20463&p_query=Prostitucija&p_tr2=2

However, in comparison, in 1985 the average monthly income per family member was 160 rubles¹³. In 1995 this amount was 201,2 litas¹⁴. Though it is difficult to compare the size of fine because of different currencies, this data on average income helps to better understand the economic situation of that time and the size of fine.

In 2005¹⁵, some important changes were made to the article 182¹ in the Code of Administrative Offences. It was added to this legal act that buying of sexual services should also result in legal liability:

“engaging in prostitution or purchase of sexual services incurs an administrative fine of three hundred to five hundred litas. The same actions committed by a person who has been already given an administrative penalty for the above mentioned violations shall incur a fine of five hundred to one thousand litas or administrative arrest up to thirty days“¹⁶.

That is, both selling and buying became recognized as illegal activities that would incur a fine of three hundred to five hundred litas. This is a significant shift in legal discourse. Until 2005, the demand side was never mentioned in the Code of Criminal Procedure or the Code of Administrative Offences. According to changes in legal acts that came into effect in 2005, both the supply and the demand side were perceived as engaging in illegal activities. Moreover, the same actions - buying or selling of sexual services - committed by a person who has already been given an administrative penalty for the first part of the violations shall incur a fine of five hundred to one thousand litas or administrative arrest up to thirty days. Furthermore, a very important remark was added: persons engaged in prostitution by using physical or mental abuse or deception as well as in any way involved in prostitution as a minor or (and) trafficking victims are recognized as victims in criminal proceedings. These two changes – liability for buying sexual services and also mentioning human trafficking in legal act for the first time – is a big step forward in legal discourse because neither demand side nor trafficking for sexual purposes were mentioned in law before.

The most recent change in article 182¹ was made in 2015. On January 1st, 2015, Lithuania adopted the euro so administrative penalty would now incur a fine of eighty six to one

¹³ Statistics prepared by the Department of Statistics of Lithuania: <http://osp.stat.gov.lt/statistiniu-rodikliu-analize1?epoch=SL>

¹⁴ Statistics prepared by the Department of Statistics of Lithuania
<http://osp.stat.gov.lt/services-portlet/pub-edition-file?id=14229>

¹⁵ Original text in Lithuanian, translated by the author. Source: Lithuanian Seimas' (Parliament's) website
<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.258940?positionInSearchResults=1&searchModelUUID=7f1e5172-37c2-430e-9f02-fe8e158fb1b3>

¹⁶ Original text in Lithuanian, translated by the author. Source: Lithuanian Seimas' (Parliament's) website
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=258940&p_query=Prostitucija&p_tr2=2

hundred forty four euro. That is to say, no major changes concerning prostitution law in this Baltic country were made since 2005.

To sum up, from 2005 the Code of Administrative Offences defines equal responsibility both for selling and buying sexual services. That is, law sees both a prostituted woman and a prostitute as similarly situated participants engaged in complementary illegal activity with equal extent of guiltiness. Looking at how legal acts view at prostitution and how they have changed during last five decades, it can be observed that content of legal acts evolves towards more equal approach between prostituted women and their prostitute in commercial sex trade. In sum, if a couple decades ago it was only sex sellers who were seen as ‘evils’ in prostitution, nowadays, according to the Code of Administrative Offences, it is both prostituted woman and prostitute that engages in criminal activity. However, as it was mentioned earlier, there are roughly from ten to twenty or even more times more women fined for prostitution than their clients. The actual number of sexual transactions per sex seller is hard to estimate because of prostitution’s latency. In the following part I analyse how such prostitution policy-practice divide is produced in Lithuanian legal system. In other words, why Law Enforcement officers see prostituted women as more guilty than their clients even though prostitution law states that both seller and purchaser are equally responsible for this activity.

Enforcement of Prostitution Laws

Article 182¹ in the Code of Administrative Offences of the Republic of Lithuania states that both selling and buying of sexual services stipulate administrative liability. In other words, both the supply and demand sides are seen as performing illegal act, which is punishable by administrative fees. Though, when it comes to application of Legal Codes in Law Enforcement work, recent statistics show that there is uneven distribution of fined prostituted women and their clients. As shown in table 1 (see next page), there are roughly from ten to several dozen women punished for prostitution for every one prostitute.

Table 1. Number of persons who were fined for buying/selling sexual services

Year	Number of prostituted women	Number of prostituted underage girls	Number of prostitutors
2005	483	12	3
2006	277	11	19
2007	227	6	11
2008	330	4	10
2009	379	6	No data ¹⁷
2010	346	6	9
2011	383	7	21
2012	247	2	25
2013	277	1	17
2014	301	1	24
2015	233	0	30

Source: Lithuanian Police Department under the Ministry of the Interior

As seen from this data of the last 10 years, the number of caught women and their purchasers remains pretty much steady each year: from two and a half to around four hundred women punished by administrative fee annually and approximately from ten to thirty clients. Slightly higher number of arrested women can be seen during the period of 2008 – 2011 which can be partly explained by economic crisis.

In the following paragraphs, I am going to discuss how divide between prostitution policies and legal practices is produced in Lithuanian legal system.

The issue with ‘transplanting’ sex buyer law from Sweden to Lithuania

The amendment of article 182¹ that was made in 2005 shows Lithuania’s step towards more abolitionistic view concerning prostitution. However, as mentioned earlier and shown in Police statistic, the change in law was not followed by the change in reality. Vanessa E. Munro and Marina Della Giusta (2008: 4) pay attention to England’s response to prostitution that was produced

¹⁷ In 2009, a new Administrative Violations and Accidents Register was introduced. Due to some problems in the beginning, register for the year 2009 is missing data on number of clients who were fined that year.

almost at the same time as in Lithuania – in 2006. Munro and Della Giusta (ibid.) note that England and Wales’s formal position towards prostitution has remained stable since the late 1950s: prostitution itself was not illegal, but soliciting was an object of criminalization. In 2003, “the issue of (non-trafficked) prostitution became the focus of dedicated consideration” (ibid.). Finally, in 2006 the government declined “to align itself wholeheartedly with any of these [legalisation, decriminalisation and abolitionist] regulatory models.” However, as added by Munro and Della Giusta (ibid.), the government was still “clearly sympathetic to abolitionism”. One of the government’s goals was to discourage criminal networks that are connected to prostitution or provide exit options for the persons selling sex, and especially to rescue the ones who are coerced into commercial sex.

England and Lithuania’s legal responses towards commercial sex are different, that is, selling sex is not illegal in England and this activity is criminalised in Lithuania. However, in some ways legal policies are quite similar. Soliciting someone to engage into prostitution or profiting from someone involved in commercial sex is crime in both countries. Moreover, purchasing of sexual services is illegal in Lithuania and in England and Wales it is “the strict liability offence of paying for sexual services of a prostitute subject to exploitation and Engagement and Support Orders (ESOs) for on-street sex workers.” (Scoular & Carline, 2014: 608). That is, in England and Wales it is an offence to pay for a prostituted woman who is subjected to exploitation by a third party (ibid: 611). Sex buyers can face legal liability for promising or making payment regardless of whether they knew that the sex seller was exploited or not (ibid: 611).

Although it has been eleven years since Lithuania partly adopted the Swedish model and buying of sexual services was criminalised, the numbers of punished sex sellers still remains from ten to several dozen times higher than their clients. Munro and Della Giusta (2008: 5) argue that “adopting a simplistic ‘transplant model’ for prostitution reform” should be seen with more criticism. Experience of other countries and their responses to the commercial sex industry might be helpful, but “[t]he assumption that we can take up a model from one jurisdiction and predict the consequences of transplanting it into another” (ibid: 5) constitutes difficulties. According to Munro and Della Giusta (ibid.), such practice “tends to ignore or trivialise the peculiarity of the cultural environment.” This is evident when looking at disparity in how many men and women are punished for prostitution. Gender roles, level of gender equality and whole socio-economic context differs greatly in Lithuania and Sweden, and so ‘transplanting’ criminalization of sex purchase from Sweden to Lithuania does not give the result that was expected. Munro and Della Giusta (ibid.) add that “[t]o assume that legislative change will – in and of itself – bring about attendant social change, <...> that can be mapped from experience in another socio-spatial context , places too much faith in

the power of law.” Lithuania’s history and current social context differs greatly from Sweden. While feminism is not new in Sweden and abolitionist discourse is a result of radical feminists’ debates over sex commerce, gender inequality is an important and yet unrecognized problem in Lithuania. It is also important to keep in mind that this Baltic country was governed by the Soviet Union for almost five decades under which prostitution and sex topics did not exist. A big part of Lithuanian society was born and raised by the Soviet ideology that embedded certain values and ideas about sexuality, ‘right’ femininity and masculinity, society, etc. Moreover, until very recently Lithuanian law has emphasized only women’s legal responsibility and guilt in prostitution so changing only law and not working with cultural context and attitudes towards sexuality will not bring the desired outcome in practice.

New Laws, But the Same Culture and Methods

It has been eleven years now since prostitution law in Lithuania faced a big change and buying of sexual services has also become defined as illegal act. However, although law’s approach has shifted greatly towards equal legal responsibility for men and women involved in commercial sex trade and can be seen as a turn towards abolitionist approach of sex buying, statistics show that the number of fined prostituted women is about ten to several dozen times¹⁸ higher than that of punished clients. How can uneven rates between punished prostituted women and their prostitutes be explained?

One of the main reasons why the change in law does not reflect in police statistics is that no change was done to the methods used in prostitution stings. Using undercover officers pretending to be sex buyers is the most commonly used method in prostitution operations. As stated in several articles that are published on police website, usually prostitution sting begins by investigating the advertisements in the press and on the internet that possibly may offer sexual or other intimate services. Then a Police officer pretends to be a potential customer and so after agreeing on a sexual act for money a woman can be charged with prostitution.

The use of undercover agents has been widely criticised because it only affects the prostituted women while prostitutes buy sexual services with near impunity (see Johnson, 2014). Moreover, article 182¹ in the Code of Administrative Offences stipulates legal liability both for the

¹⁸ The actual discrepancy between caught sex sellers and buyers is very hard to estimate, because the official statistics let us see only the number of punished prostituted women and their clients. If we counted discrepancy per sexual transaction the number of times would probably show a tenfold discrepancy.

supply and the demand sides involved in prostitution. In this logic, there should be at least as many prostitutes as prostituted women arrested for involving in commercial sexual act. However, the statistics (see table 1) clearly show a great difference in how many sex buyers and sex sellers are punished for repayable sex. Besides, using this procedure, prostitution is investigated not in a passive mode but rather in active manner provoking a person to carry out a criminal act. That is, prostituted women are incited to engage in illegal activity in order to affirm evidence and initiate a prosecution. Academician and lawyer Lilija Štarienė (2009: 267) points out that in this manner “the conferred public power is abused and the limits of the legal activity are overstepped.” Joseph Fulda (2011: 395) also criticizes the use of undercover agents in prostitution cases and adds that “all sting operations are per se gravely and deeply immoral for the simplest and plainest of reasons: they are calculated and deliberate attempts to bring out the worst in a fellow human being and to play to their weaknesses.” Consequently, police builds their investigation on a provoked criminal offense rather than real event. In sum, prosecution then starts due to illegal activity that would otherwise not have been perpetrated.

Walters (2011: 470) observes that the use of male decoys can also be criticized for reproducing gender inequality: “rather than being a product of necessity, sexual conduct with sex workers is more likely born of the confluence of masculine police behavior.” That is, when Law Enforcement officers becomes participants in unjust sexual demeanor they reproduce the same power hierarchy which ensures the existence of prostitution. In abolitionist approach, such police methods only victimizes prostituted women that are already marginalized in society.

It is important to stress that use of male decoys method ignores the demand side. In reality, commercial sexual act takes place between a prostituted woman and a prostitute. When police use deceit to catch prostituted women, the demand side is replaced by a policeman who is used as a male decoy. As a result, legal liability is placed only on supply side which imposes thinking that the ‘evil’ in prostitution is women because it is almost only prostituted women who are punished for involving in commercial sex trade.

All operations described in police reports used male undercover agents and were directed to arresting prostituted women. That is, no female decoys were used in arresting potential customers of prostituted women. This creates a vicious circle where women are confined and have not other opportunities than to stay in prostitution in order to pay out the fines. Moreover, punishing only women does not have impact to the organizers of prostitution or purchasers of sexual services.

As it was discussed earlier by referring to MacKinnon (1994), communication is very important in creating and reproducing social inequality. Words are not only words; they contain meanings and certain load attached to expressions used. For example, the expressions “member of

world's oldest profession" is quite commonly used in police reports when referring to women engaged in prostitution. Moreover, in several articles women are called "naktinė plaštakė" which means a night butterfly in Lithuanian. This phrase is frequently used in negative context when talking about prostituted women. Talking about the tone used in the reports, some of them are neutral and informative, that is, specifies how many prostituted women were arrested, how many times they were punished for prostitution and the size of fine that was imposed on them for selling sexual services. However, some of the articles clearly expresses biased approach while calling women "plaštakė" or referring to them as "representatives of the world's oldest profession". Even some of the prostitution stings are named "plaštakė" which shows Police discriminatory attitude towards women.

Consequence of using such one-sided method is that the problem rather deepens than is solved since the demand side remains ignored. Moreover, only a small proportion of prostituted women work individually. That is to say, prostitutes are the lowest link in the whole prostitution industry. They who make the biggest profit are pimps who control everything and arrange clients for women involved in commercial sex. As noted by Tureikyte and Sipaviciene (2001: 285), "[t]he biggest share of the prostitution business is well organized and enrolled by agencies." As pointed out by the same authors (ibid., 284), even in street prostitution, women cannot choose any street they want because "prostitutes' work places are under control of criminal elements." This once again confirms that punishment of sex workers is not the right way towards the reduction of prostitution because one cannot change this huge crime structure by punishing the weakest part of it.

Constructing the Ideal Victim in the Police Reports on Trafficking

When analysing police reports on commercial sex matters two clearly separate topics can be distinguished: trafficking and prostitution. Focusing on information published in police reports and with help of Nils Christie's (1986) ideal victim theory, I will discuss how the representation of ideal victims and ideal offenders is constructed. With this I argue that certain representations of trafficked and prostituted persons help to maintain normativity and certain expectations concerning these two groups in commercial sex industry in Lithuania and contributes to explaining huge discrepancy between arrested sex sellers and their clients. That is, why police focus on catching the supply side and how this is impacted by certain views on trafficking.

The portrayal of particular types of trafficking victims, and also traffickers, helps to construct and perpetuate a certain “picture of the ‘typical‘ trafficking victim“ (Wilson & O’Brien, 2016: 30). As discussed in the theoretical part, some victims are seen as more deserving sympathy than others. Nils Christie (1986: 18, italics removed) writes that “by ‘ideal victim’ I have <...> in mind a person or a category of individuals who when hit by crime most readily are given the complete and legitimate status of being a victim“. This is clear when comparing what information is published about trafficked and respectively prostituted women.

The descriptions of trafficked persons in Lithuanian police reports are greatly consistent with Nils Christie’s (1986) principles of ideal victim. Most of the articles about trafficked women stress their young age, hard economic and social situation:

“It is suspected that pimps made profit of at least four prostituted girls, among them – an eighteen year old girl from special needs school. The latter is already recognized as a victim in a criminal case for procuring and profiting from other person’s prostitution in another criminal case.“¹⁹

“The investigation also revealed that offenders transported to the Netherlands two young girls, one of which was a minor. Both girls were incorporated into prostitution business. When recruiting the victims in Lithuania, the criminals took advantage of girls’ social status, bad economic situation and lack of social skills.“²⁰

“Last recruited girl was a student from vocational training centre.“²¹

Wilson & O’Brien (2016: 30) note that “construction of the ‘ideal victim’ as weak is achieved through the focus on the age, gender, and country of origin of victims, and an overt focus on trafficking for sexual exploitation.” As it can be seen from the excerpts above, a ‘typical‘ or ‘ideal‘ trafficking victim is depicted as a young girl facing economic deprivation and having “lack of social skills“ or little life experience.

Moral aspects also play a significant role in granting one with victim status: trafficking victims are described as deceived into sexual exploitation, that is, having no agency in being trafficked:

¹⁹ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=37040>

²⁰ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=37022>

²¹ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=31130>

“Organized criminal group taking advantage of a young girl’s vulnerable situation, that she had no income, had social behaviour disorders as well as she was psychologically vulnerable, deceived girl into prostitution and took advantage of her. A nineteen year old girl was promised a job in cleaning sector in the United Kingdom but traffickers sold her as a sex slave. A deceived and trafficked young woman, although kept in captivity, beaten and frightened, refused to serve in the prostitution business and ran away. Police officers in the United Kingdom saw a crying and upset girl in the parking lot and gave her support.”²²

This narrative depicts a prototypical story within trafficking that matches with Christie’s (1986) example of an ‘ideal victim’: the girl was young, weak and extremely vulnerable so traffickers (important - men) took advantage of her hard life situation. In the eyes of the public, young or very old individuals are seen as more vulnerable and therefore deserving victim status (Christie, 1986). The victim was passive and the offenders have carried out a serious crime. Moreover, even the girl was abused and kept in captivity, she refused to provide sexual services and managed to escape from her exploiters. In this above-mentioned case, the victim is constructed as totally blameless and passive which are the key points in Nils Christie’s (1986) theory of ideal victims. As pointed out by Wilson and O’Brien (2016: 38), “[t]his construction of sex work as a universally involuntary behaviour removes any blame that may be attributed to a victim seeking to work within the commercial sex industry“. Finally, the girl received help from police officers in the United Kingdom which again proves that she was a deserving victim.

Since Lithuania is rather a sending than receiving country, the majority of police reports specifies to which countries girls were transported:

“R.M. [the offender] is fluent at German language, so the girls were transported to German speaking countries and also where prostitution is legalized – Germany, Switzerland, and possibly Austria.”²³

“R.J. [the offender] in order to profit from prostitution deceived and transported to Norway two girls who were promised a job at the bar, but in reality they were forced to provide sexual services for money in Oslo.”²⁴

Jo Goodey (2004: 27) notes that “since the early 1990s, the EU has been the recipient of a significant influx of women from Central and East European countries.” Lithuanian police reports

²² Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=18066>

²³ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=31451>

²⁴ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=31133>

dealing with trafficking matter write that trafficked women are transported from Lithuania to the Netherlands, Germany, Switzerland, Italy, Scandinavian countries, that is, from East to West Europe, from less economically prosperous countries to more well-off countries.

Another important point to make is the portrayal of the offenders: deviant and actively committing a crime or “big and bad“ as expressed by Nils Christie (1986: 19). As written by this norwegian criminologist (Christie, 1986: 25), “the more ideal victim is, the more ideal becomes the offender“. As discussed earlier, the victims of trafficking are constructed as greatly vulnerable and having no agency in being trafficked. Traffickers respectively are described as contrast to idealized victims:

“It is suspected that human trafficking was organized by an unemployed man from Klaipėda city, his girlfriend who was previously fined for prostitution, another man working at a casino and his partner who has previously been fined for providing sexual services for money. By the way, one of the accused's mother who is 74 years old and was previously convicted was also involved in this criminal activity.“²⁵

The report stresses that one of the traffickers did not have any paid employment and the other man accused of having committed a crime worked at a gambling establishment. In this case, traffickers compared to victims are constructed as “morally speaking, black against the white victim“ (Christie, 1986: 26). As added by Wilson and O’Brien (2016: 39), “[t]his construction of an older, male offender stands in contrast to the idealised, young and female victim.“ In this above-mentioned case, three of five offenders are women who had been previously fined or convicted for illegal activities. On the one hand, this does not match with Christie’s (1986) key points in constructing the ‘ideal offender‘ as a big and strong man. On the other hand, all three women mentioned in this extract from police report have been known for law enforcement before which help to shape them as deviant women.

To sum up, “a victim status is never unambiguous or objective in nature, but rather has more to do with the subjective perceptions held by the various parties involved in the process“ (Kuosmanen & Starke, 2015: 62). The representation of particular ‘ideal offenders‘ – unemployed deviant men, often involved in other kinds of organized crime – and ‘idealized victims‘ – women who have no agency in being sold, are weak, young, blameless and inexperienced – helps to create certain construction of trafficking and its victims. While all three main approaches concerning commercial sex – criminalization, legalization and abolitionist – agree that trafficking is a crime against one’s dignity, consensus has not been reached on finding one universal solution in how to

²⁵ Original text is in Lithuanian, translated by the author. Link to the article that is published on the Police website: <http://www.policija.lt/index.php?id=38543>

eradicate violence in commercial sex industry and whether prostitution should be prohibited or rather legalized but controlled. In the next paragraph I am going to examine the portrayal of prostituted women in the police reports.

Stigma of ‘the Guilty Prostitute‘ and the Invisible Client

Analysing articles published on the police website, it is evident that legal system’s approach towards trafficking and prostitution is very different. Articles on human trafficking are written in rather neutral and informative manner. Texts precisely indicate what crime was committed and what fine or punishment was imposed on offenders:

“Panevezys County police officers completed an investigation on human trafficking, profiting from the prostitution of a minor and illegal possession of a large quantity of drugs. <...> Investigation also found out that delinquent men also sold abroad two girls. One of them was a minor. <...> Accused men will face imprisonment up to 15 years.”²⁶

Article only provides information on a committed organized crime. No moral considerations regarding pimps or victims are discussed. As mentioned in the previous paragraph, trafficked persons characterized in a compassionate way – as lacking social skills and life experience, experiencing economic hardships, etc.

Police reports on prostitution stings construct sex sellers as agents, fully responsible for their actions that are illegal according to Lithuanian law:

“Police officers found 9 representatives of the world’s oldest profession who promoted their services on the internet and Vilnius station district and offered to satisfy men’s sexual desires for money. The youngest representative of this occupation was nineteen years old, the oldest – forty-nine.”²⁷

In this extract, prostitution is called ‘the world’s oldest profession’. However, according to Lithuanian law, both selling and purchasing of sexual services is criminalized.

One of the principal differences in the articles on prostitution and trafficking is that prostituted women are seen as active agents. As noted by Lindholm et al. (2014: 181), agency is a

²⁶ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=37022>

²⁷ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=24156>

very important point in prostitution and trafficking debates: “[d]epicted as someone without agency, with no free will and completely in the hands of the trafficker, the ideal trafficking victim can be seen as diametrically different from the guilty prostitute.” This clear cut also exists in legal acts: while trafficked persons are identified as victims, women engaged in prostitution are understood as doing it voluntarily and therefore criminalized for involving in illegal activity.

Women involved in commercial sex business are among most vulnerable and marginalised groups in society due to social stigma attached to being a sex seller (Kissil & Davey, 2010). Labelling sex sellers with negative epithets is also reflected in police reports:

“Do not be fooled: an attractive brunette only in an advertisement. Šiauliai city police officers were convinced of this. Police officers found several announcements on the internet advertising gentle relaxing massage and visited several addresses where it should be done. However, instead of an attractive girl in the advertisement, they found several prostituted women that had nothing to do with this epithet. <...> They [police officers] were met by a woman wearing a pink transparent negligee.”²⁸

“November 11th officers went on a date with an attractive brunette in Vytautas street. Shocked by woman’s appearance, men felt no sympathy for her. A thirty-two year old woman wearing a black negligee and high heels promised to satisfy men’s sexual desires for 60 litas.”²⁹

At the end of the article it is stated that it is written by Šiauliai county police headquarters. These extracts from report shows police’s stigmatizing attitude towards sex sellers. Erving Goffman (1963: 60) discusses the importance of ‘stigma symbols’: “[t]here are stigma symbols that provide examples: the wrist markings which disclose that an individual has attempted suicide; the arm pock marks of drug addicts; <...> or black eyes when worn in public by females.” The above-mentioned excerpts from the police article focus not on report’s informative function to describe what kind of offence was committed but rather highlights prostituted women’s ‘stigma symbols’: ‘a pink transparent negligee’, ‘black negligee and high heels’. Symbols are very important in creating and reproducing stigma since they are visible marks of ‘sin’ and are used to exclude ‘sinful others’ from ‘normals’ (Scoular, 2015; Goffman, 1963).

Bearing a stigma which is a result of not meeting up prevailing social expectations causes discrimination and separating ‘them’ (stigmatised) from ‘us’ (normals) (Goffman, 1963). What creates greater discrimination and stigmatization of sex sellers when compared to trafficked

²⁸ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=10931>

²⁹ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=10931>

persons and sex buyers can partly be explained by different gender expectations regarding men and women's sexuality: "[u]ntil very recently, commentary has focused on women's sexuality and not men's because of an explicit acceptability that men who buy sex are doing what is 'natural' (Sanders, 2008: 7). Looking at Lithuania's case, state's control of prostitution has traditionally focused on the supply side and only eleven years ago buyer was also included into law as bearing responsibility for involving in illegal sexual transaction. However, huge discrepancy between punished sellers and buyers show that this belief that men buying sexual services are doing "what is 'natural", "biological necessity" (Sanders, 2008: 7-8) and sex sellers are "guilty prostitute[s]" (Lindholm et al, 2014: 181) because "working as a 'prostitute' goes against many laws and the ideology of 'proper' femininity and 'acceptable' womanly conduct" (Sanders, 2008: 8). Moreover, as added by Jane Scoular (2015: 26-27), labelling prostituted women as a group requiring greater legal attention and control can partly be explained by moral panic. In some police reports prostitution is named as 'loose behaviour':

"The officials caught four loose behaviour women who on various websites adverticed that they want to 'meet' or 'communicate' for material reward. All four girls have been detained for prostitution for the second time in a year."³⁰

"Administrative sanctions were applied not only to the loose behaviour girl, but also to Vilnius city resident."³¹

As previously mentioned, Goffman (1963: 13) distinguishes three types of stigma: caused by deformation of one's body; second, stigma of one's religion, race or ethnicity; and "blemishes of individual character", that is, having strange passions or lacking will. The latter type of stigmatising is reflected in above-mentioned extracts where prostitution is asociated with sex sellers' loose behaviour.

The last point to note in this paragraph is that the author was able to find only one article mentioning a sex buyer. When the phrase "sex purchaser" was entered, no results could be found. Phrase "prostitute's client" has generated one result. The article was about a client who was not satisfied with the provided sexual services and so he informed the Police about the girl who was involved in prostitution:

³⁰ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=21387>

³¹ Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=29075>

“Law Offences Prevention Department officials recently received and examined the anonymous message - the man reported the girl in prostitution and complained that he had paid the agreed amount of money, however, he was not satisfied with the provided sexual services.”³²

Both the purchaser and the seller of sex were fined for having engaged in illegal activity. This is the only article which specifies equal legal liability both for the demand and supply sides. Sven-Axen Månsson (2005: 9) points out that

“[f]rom an historical point of view, focusing on the clients both in research and in social and penal practices, constitutes a major shift in perspective. The fact is that the client’s role in the sex trade has rarely been challenged. The fundamental idea of prostitution, throughout time, has been that a group of women shall be accessible for men’s sexual purposes; she is there for the man’s lust. <...> Around the man as a consumer there has been no such emotionally charged images. He has been anonymous or entirely invisible.”

Relating this to Lithuanian prostitution law and in general culture in which it operates, invisibility and very low legal liability of sex buyers can be partly explained by the fact that only the law was changed but nothing was made to change prevailing stereotypes and attitudes towards prostitution. That is, laws were changed but the cultural context in which women are seen as central ‘evil’ or ‘seducer’ remained unaffected. As discussed before, the problem in prostitution has long been considered to be women. Most of the police articles stress that it is women who offer their services to men. In other words, prostitution to a great degree is seen as problem of women’s morals and ‘loose behaviour’ since they seduce men. Scoular (2015: 62) writes that for “men’s responsibility even to be considered as an issue, certain constructive work had to already be underway.” As added by Scoular (ibid.), it is not sufficient only to criminalise purchasing when it historically used to be understood as men’s right. In order to change current situation, the client has to be constituted as deviant and target to social and criminal intervention (Scoular, ibid).

As well as stigma of ‘guilty prostitute’ is socially constructed, subject of ‘deviant sex buyer’ had to be constituted in order to transfer responsibility from sex sellers to sex buyers as it was done in Sweden and other countries that introduced abolitionist policies regarding prostitution. In Lithuania’s case, only the law was amended, that is, no other changes concerning law enforcement work took place. Huge discrepancy in fined sex sellers and their clients show that no change occurred in reality and sex buyers remain invisible. While law was amended, stereotypes

³² Original text is in Lithuanian, translated by the author. Link to the report that is published on the Police website: <http://www.policija.lt/index.php?id=29075>

regarding prostitution remained unchallenged. As pointed out by Goffman (1963: 115), “[i]t can be assumed that a necessary condition for social life is the sharing of a single set of normative expectations by all participants, the norms being sustained in part because of being incorporated.” This can be applied when trying to better understand and explain why fined women in prostitution outscore arrested customer from ten to several dozen time. Article in the Code of Administrative Offences was changed but normative expectations were not challenged which results in reproduction of old norms and, in this case, of old laws that emphasized only seller’s legal liability. In other words, law was changed but legal enforcement still operate according to old laws since attitude towards sex sellers and their clients was not contested.

A Note on Conflicting Views on Prostitution and Trafficking

As it was previously illustrated by extracts from police reports and citations from the Code of Criminal Procedure as well as the Code of Administrative Offences, Lithuanian legal system approaches prostitution and trafficking as two totally opposite matters. Analysing police articles on trafficking and prostitution matters, it can be claimed that there is a hierarchy of victims ranging from ‘ideal victims‘ down to ‘guilty prostitutes‘. Trafficking is defined as crime against one’s dignity and freedom. It is undisputably agreed that victims have no agency in human trafficking. However, when it comes to prostitution, it is asserted that women involve in prostitution by choice. *De jure* and in the whole legal system, prostitution and human trafficking are clearly separated. Prostitution is an administrative offence while human trafficking is defined in the Code of Criminal Procedure. Such clear separation reflects certain believes and values about women sexuality and their agency in trafficking and prostitution.

Representation of trafficking stories usually uses language of slavery (trafficked girls are often called ‘sex slaves‘ in police reports) and prototypical stories of young, vulnerable girls who are depicted as having no agency in being trafficked. ‘Guilty prostitutes‘ are claimed having full agency of their actions and it is often presumed that they engage in prostitution because of their ‘loose behaviour‘. Wilson and O’Brien (2016: 30) claims that “the dissemination of only prototypical stories in the public realm helps to shape a certain construction of trafficking that prioritises specific types of victims, while ignoring those who do not conform to the prototype.” This is important when looking at Lithuania’s case. Articles published on the police website reflect two repeated themes: trafficking, with its ‘ideal victims‘ and ‘ideal offenders‘, and prostitution where, according to police reports, there are ‘loose‘ prostituted women and invisible clients. Such

clear cut between coercion versus consent, trafficking versus prostitution reflects certain beliefs and values about women sexuality and their agency in trafficking and prostitution. Moreover, as added by Wilson and O'Brien (ibid: 33) "[t]his representation ignores the broader socio-economic context". That is, commercial sex issue is very complex and seeing it only in narrow binary terms of forced versus voluntarily oversimplifies this phenomenon and do not grasp larger structures and various peculiarities, for instance, why prostitution is such a gendered issue.

Jo Doezema (2000) also criticizes such clear-cut separation between trafficking and prostitution and argues that trade of human beings for sexual purposes is often oversimplified and women in trafficking business are seen as having no agency. The author (ibid.: 24) claims that "policies to eradicate "trafficking" continue to be based on the notion of the "innocent," unwilling victim". Moreover, as added by Doezema (ibid.), "the majority of "trafficking victims" are aware that the jobs offered them are in the sex industry, but are lied to about the conditions they will work under". In other words, traditional definition of what is trafficking for sexual purposes limits its description to forced prostitution. From this point of view, it can be argued that approach towards trafficked women as having no agency and prostituted women as having full agency is oversimplifying these complex phenomena. Pitcher and Wijers (2014: 550) criticize that current debates on prostitution and human trafficking are stuck in dichotomy of "forced versus choice". According to these authors (ibid.), it is important to pay more attention to experiences of sex workers as well as what particular positive and negative effects each legal framework has for sex sellers, their rights and safety. In other words, none of the current legal approaches is sufficient enough to ensure sex workers' interests and their right to security.

Gap Between 'Living Law' and Statutory Law

Another reason why juridical change is still not followed by equivalent change in police work is that it takes time for social change to catch up with changes in rules. As noted by Gunilla Ekberg (2004: 1209), it usually takes time after a law is implemented until the norm represented in that particular legal act is strongly inscribed in society. Specifically in Lithuania's case on prostitution matter, it is evident that ingrained norms in society has greater importance in police work than statutory law.

Austrian sociologist of law Eugen Ehrlich (2002) in his work *Fundamental Principles of the Sociology of Law* also point out that there is law established by state (statutory law) and 'living law', that is, unofficial laws or norms. Urinboyev and Svensson (2014: 376), referring to

Ehrlich, state that it is actually not statutory law but ‘living law’ that exercise control over people in their everyday lives. These authors (ibid.: 375) point out that “state law is just one among many other normative orders in society“, for example, alternative norms such as moral codes, religious dogmas, and pragmatic norms of social life also influence people’s actions. Authors (ibid.) call this “coexistence and clash of multiple sets of rules that mould people’s social behaviour“ for *legal pluralism*. From this point of view, what is legally unacceptable and seen as an illegal action do not necessarily conforms pragmatic norms ingrained in society. That is, buyer of sexual services might be defined as an offender according to law, but if in public this action is seen as “what is ‘natural’ to men, “biological necessity“ (Sanders, 2008: 7-8), then prevailing norms or ‘alternative laws’ as it is called by Urinboyev and Svensson might confront state law and, as seen in Lithuania’s case, have greater importance than legal articles. This is significant in Lithuanian context where attempt to implement criminalization of sex purchase has not given any notable result although it has been eleven years since article regarding prostitution has been amended.

Social norms are very important when analysing the phenomenon of prostitution. Norms define what is desirable sexuality, for example, gender roles define what women and men behaviour is considered as appropriate and acceptable and what is regarded as violating social norms. Matthias Baier (2013: 55) defines norms as “imperatives that are socially reproduced“ and “connect the ‘is’ and the ‘ought’“. In other words, norms define social behaviour that is expected from individuals. Moreover, norms are intersubjective, which means that they are shared among the people. Individuals are expected to conform to the norms. Both breaking of social and legal norms has certain outcomes on people.

As noted by Baier (ibid: 58), “[t]ypically, law is described as a system of norms”. The author (ibid: 62) also makes the point that “law needs to derive normative content from somewhere, and social norms are one major source of this content.” In current Lithuanian legal system, talking in particular about prostitution law amendment made in 2005, the change was made ‘downstream’, that is, law was amended in order to change attitude towards sex buyers with the aim that criminalising both sides will reduce the scope of prostitution. However, in reality legal enforcement approach towards sex sellers and buyers did not change much, if has changed at all, and punished women still greatly outnumber their clients.

In order to improve the situation of prostituted women in Lithuania and suspend further victimization of these persons by law enforcement officers, a new strategy should be created and implemented. The law was changed eleven years ago but no change in police work and arrest statistics can be observed because the method used in police work opposes to what is stated in legal

article. It is clear that as long as this method of male decoys will be employed, the situation ignoring the demand side and putting whole responsibility on sex sellers will not be challenged.

Gender Inequality as Important and yet Unrecognized Problem in Lithuania

Trying to better understand how current prostitution policy-practice divide is produced in Lithuania, it is important to keep in mind the overall gender situation in this Baltic country. In Western countries, principles of men and women equality in political discourse were consolidated by active and strong women movements and spread of feminist ideas. When second wave feminism emerged in the United States in the 1960s and later on spread throughout the Western countries and beyond, the Soviet Union was ruled by Leonid Brezhnev. As it was mentioned earlier, discussing about sexuality was a taboo not only on publicly but also on a personal level. When sexual revolution in the 1960s challenged traditional codes of sexuality in the West, in the Soviet Union sex topic was non-existent.

Since Lithuania and other countries that belonged to the Soviet Bloc were isolated from Western ideas until 1990, ideas of feminism and gender equality did not develop here in waves as it had happened in the Western world. Lithuanian social researcher Alina Žvinklienė (2009: 109) makes the point that during Soviet times gender equality was understood as women's right to work. Besides, another woman's duty was maternity. As added by Žvinklienė (ibid.), although the employment rate of women in the Soviet Union was high, it did not have much to do with women emancipation or gender equality – such matters as salary gap between men and women or 'glass ceiling' were not discussed publicly.

Lithuania has been an independent country for two and a half decades now. However, feminism topic is often perceived incorrectly and even mistaken for other words and concepts since only a small part of the older generation understand English. As stressed by Iona Tamutiene and Laura Sinkeviciute (2015: 17), there is no public discourse on gender equality in Lithuania. Gender equality is rather a theoretical concept used in official documents but not in a real practice. When feminism and women emancipation ideas do not spread beyond academic and government institutions, gender equality remains being understood as something distant from ordinary women and men. As discussed earlier in this work analysing gender inequality in legal system and looking at the overall political, cultural and economic context, Lithuanian society is still dominated by traditional understanding of women and men roles which disrupts the equal opportunities between genders. This can also be applied when analysing prostitution matter in this Baltic country. As seen

in table 1, in prostitution stings arrested women outnumber punished clients by ten to several dozen times. However, the fact that annually there are a couple of dozens men accused of buying sexual services shows that there are methods to address the demand side, but they are not widely used in practice.

Again in terms of prostitution, it can be said that Lithuanian law moves towards gender equality and gradually increasing gender awareness. However, this process is impeded by several reasons. First of all, as noted by Lithuanian social researcher Virginija Šidlauskienė (2008: 143), “ although Lithuania has established quite a good legal basis in the field of gender equality, the legal acts stay at some points in discrepancy with the principle of equal opportunities for women and men“. This should also be observed when talking about prostitution law: talking in legal terms, the prostitution law – article 182¹ – was amended in 2005 but statistics show that there are ten prostitutes arrested for every one prostitute which shows the discriminatory enforcement of prostitution legal acts. This can be partly explained by the fact that although there was made an amendment to law, no trainings on gender equality were arranged for Law enforcement officers so all the forces are still focused on policing prostituted women rather than their clients.

CONCLUDING REMARKS

Analysis of how Lithuanian law regarding prostitution has changed since the 1960s shows that legal discourse develops towards more democratic direction. That is, amendment made in 2005 can be named as a great step forward towards more equal liability for both seller and buyer in prostitution. However, in reality there is a clash between ‘living laws’ and juridical articles. Law Enforcement is still focused on policing prostituted women rather than their clients and this clearly reflects in police statistics on prostitution arrests. Statistics of last ten years show that there are from ten to several dozen women punished for commercial sex trade for every one client.

I have found out that disparity in the numbers of arrested sex sellers and their clients is a complex issue and depends on several causes. First of all, the law amendment that was made in 2005 was basically implemented by ‘transplanting’ sex buyer law from Sweden to Lithuania. It is important to note that differently to *Swedish model*, selling of sexual services is also criminalized in Lithuania. Accordingly, Lithuania aimed to reduce prostitution by stipulating legal liability for both the demand and supply sides. Unexpectedly, what gave a result in Sweden did not really have any effect in Lithuania. Statistics on arrested sex sellers still greatly outweigh arrested clients and police is still blind towards sex purchasers. This can to a great extent be explained by the fact that only the law was changed whereas nothing was made to challenge prevailing cultures and negative attitudes towards sex sellers. Moreover, police methods – use of undercover agents – also contribute to greater responsibility of sex sellers. Now used method of undercover agents is criticized by many researchers for being unethical practice that ignores the demand side in prostitution and also reproduces unequal power hierarchy between men and women, between the subordinate and the superior.

It is important to notice that clear-cut legal separation between trafficking and prostitution is also relevant when it comes to the issue of prostituted women’s stigmatization. Trafficked women are represented as ‘sex slaves’ having no agency whereas prostituted women are depicted as ‘guilty loose women’ and ‘seducers’. Ingrained stereotypes concerning both trafficking and prostitution and their reproduction in police reports show that changing laws is not enough. A huge gap between ‘living laws’, juridical articles and their implementation in police work show that Lithuanian government should also pay attention for working more on challenging and changing stereotypical attitudes towards commercial sex business.

The majority of police reports on prostitution stings call prostituted women as ‘representatives of world’s oldest profession’ or ‘plaštakė’ – word that means ‘night butterfly’ in Lithuanian and connotes negative meaning. This shows how deeply the myth that prostitution is

consciously chosen by women is rooted in the society. To my great surprise, I was able to find only one article mentioning that a client faced legal liability for buying sex. All other reports focused exclusively on prostituted women and their policing. None of the articles moralizes behaviour of those who buy sex and create the demand. Shifting the legal gaze from ‘guilty prostitute’ to both involved in commercial sexual act needs much effort in raising public awareness of prostitution as gendered matter.

My intention in this work has been to make a first step, address the need to research ambiguity between prostitution laws and their application in police work in Lithuania. This issue is more complex and nuanced than I thought before starting to go deeper into this matter in Lithuanian context.

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