

---

# Analyzing impacts of Circumvention Tourism: Cases on Prostitution, Abortion, and Drug Tourism in Europe

---

VALESKA RUIKEN

UNDER SUPERVISION OF PROFESSOR TANJA MIHALIČ

LJUBLJANA, JULY 31ST, 2017

FACULTY OF HUMANITIES, UNIVERSITY OF SOUTHERN DENMARK

FACULTY OF ECONOMICS, UNIVERSITY OF LJUBLJANA

FACULTY OF TOURISM, UNIVERSITY OF GIRONA



## AUTHORSHIP STATEMENT

The undersigned Valeska Pauline Ruiken, a student at the University of Ljubljana, Faculty of Economics, (hereafter: FELU), declare that I am the author of the master's thesis entitled *Analyzing impacts of Circumvention Tourism: Cases on Prostitution, Abortion, and Drug Tourism in Europe*, written under supervision of Professor Tanja Mihalič.

In accordance with the Copyright and Related Rights Act (Official Gazette of the Republic of Slovenia, Nr. 21/1995 with changes and amendments) I allow the text of my master's thesis to be published on the FELU website.

I further declare

- the text of my master's thesis to be based on the results of my own research;
- the text of my master's thesis to be language-edited and technically in adherence with the FELU's Technical Guidelines for Written Works which means that I
  - cited and / or quoted works and opinions of other authors in my master's thesis in accordance with the FELU's Technical Guidelines for Written Works and
  - obtained (and referred to in my master's thesis) all the necessary permits to use the works of other authors which are entirely (in written or graphical form) used in my text;
- to be aware of the fact that plagiarism (in written or graphical form) is a criminal offence and can be prosecuted in accordance with the Criminal Code (Official Gazette of the Republic of Slovenia, Nr. 55/2008 with changes and amendments);
- to be aware of the consequences a proven plagiarism charge based on the submitted master's thesis could have for my status at the FELU in accordance with the relevant FELU Rules on Master's Thesis

Ljubljana, July 29th, 2017

Author's signature: V. Ruiken

## Table of Contents

Table of Tables .....	iii
Table of Figures .....	iii
Introduction.....	1
1    Review of the Literature.....	3
1.1.    Circumvention Tourism .....	3
1.2.    Travel Motivation and Competitive Advantage of Destinations .....	4
1.3.    Impacts of Tourism .....	5
1.4.    Regulation of Circumvention Tourism.....	8
1.5.    Types of Circumvention Tourism in Europe .....	12
1.5.1.    Wild Camping .....	13
1.5.2.    Autobahn Tourism.....	14
1.5.3.    Whale Meat Consumption .....	15
1.5.4.    Drug Tourism .....	15
1.5.5.    Prostitution Tourism .....	16
1.5.6.    Reproductive Tourism .....	17
1.5.7.    Abortion Tourism .....	18
1.5.8.    Suicide Tourism .....	20
2    Presentation of Selected Cases .....	20
2.1    Prostitution Tourism from the Perspective of Destination Germany .....	20
2.2    Abortion Tourism from the Perspective of Tourist Country of Origin Ireland .....	23
2.3    Drug Tourism from the Perspective of Destination Netherlands.....	25
3    Methodology .....	26
3.1    Research Strategy .....	26
3.2    Research Method .....	27
3.2.1    Selection of Documents .....	27
3.2.2    Sources .....	28
3.2.3    Identification of Themes .....	29
3.3    Limitations and Further Research .....	30
4    Analysis.....	31
4.1    Presentation of Documents.....	31

4.1.1	Documents on Prostitution Tourism .....	32
4.1.2	Documents on Abortion Tourism .....	33
4.1.3	Documents on Drug Tourism .....	34
4.2	Results.....	35
4.2.1	Findings on Prostitution Tourism .....	35
4.2.2	Findings on Abortion Tourism .....	40
4.2.3	Findings on Drug tourism .....	43
4.2.4	Interpretation of Themes .....	45
4.3	Discussion .....	48
4.3.1	Extent of Circumvention Tourism in Europe .....	48
4.3.2	Impacts of Circumvention Tourism .....	52
4.3.2.1	Social impacts.....	53
4.3.2.2	Economic impacts .....	55
4.3.2.3	Environmental Impacts .....	56
	Conclusion .....	57
	Bibliography.....	59
	Appendix.....	66
	List of abbreviations .....	66

## Table of Tables

Table 1 Presentation of identified themes.....	35
Table 2 Findings on prostitution tourism.....	35
Table 3 Findings on abortion tourism .....	40
Table 4 Findings on drug tourism.....	43

## Table of Figures

Figure 1 Doxey's Irridex Model.....	5
Figure 2 Hypothetical evolution of a tourist area .....	6
Figure 3 Visit Sweden Marketing Circumvention Tourism.....	14
Figure 4 Relation of Prostitution and Sex Tourism .....	17
Figure 5 Part of prostitutes that are considered prostitution tourists .....	50
Figure 6 Proportion of prostitution regulation that affects prostitution.....	50

## Introduction

The term circumvention tourism was first introduced to the literature by legal scholar I. Glenn Cohen in 2012 to describe a subset of medical tourism with the recommendation to use it as a general theory to analyze travel for legal evasion (Cohen I. G., 2012).

Circumvention tourists are the citizens and residents of one country, the home country, who travel to another country, the destination country, to access services that are illegal in their home country and legal in the destination country (Cohen I. G., 2012). This paper is set out to research the phenomenon of circumvention tourism in Europe from a tourism management perspective to offer a perspective that is lacking in the current literature on the topic.

Various types of circumvention tourism have been identified and analyzed from different angles in different academic fields, offering a diverse body of knowledge. In the field of medical ethics, for example, the phenomena of suicide tourism and reproductive tourism have been discussed widely (Gauthier, Mausbach, Reisch, & Bartsch, 2015; Pennings, 2002; Connell, 2011). The legal field has devoted time to reproductive tourism (Hervey, 1998) as well as discussions on circumvention tourism in relation to international law and globalization (Dixond & Posner, 2011). Women's and gender studies, on their side, have discussed abortion tourism and the moral implications of accessing rights through travel (Sethna & Doull, 2012; Ergas, 2016), and the list does not stop here. One perspective that is lacking, however, is that of tourism management, despite that the common denominator of all this research is that it is concerned with people who travel. The same goes for the impacts that circumvention tourism has on societies: While some of the research points to specific cases of impacts of certain types of circumvention tourism, no comprehensive study concerned with impacts in general has been carried out so far.

This gap in the literature can perhaps be explained by some researchers' notion that tourism is only concerned with travel where the purpose is of a hedonistic nature. Researchers of abortion tourism have, for example, stated that the term tourism is not a good choice for abortion tourism because it has "consumerist and individualist connotations" (Ergas, 2016, p. 25). Following a constructivist paradigm, this paper acknowledges that several realities or perspectives can exist simultaneously, and accepts that some people experience the term tourism to have such connotations. Connotations aside, however, this paper argues that circumvention tourism, no matter how controversial or ascetic it might be in some cases, is still tourism. The basis for this argument is that circumvention tourism fits the UNWTO definition of tourism: "*Tourism* refers to the *activity of visitors*" (UNWTO, 2014, p. 10) and "*A visitor* is a *traveller* taking a trip to a main destination outside his/her *usual environment*, for less than a year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited. A *visitor* (*domestic*,

*inbound or outbound*) is classified as a *tourist (or overnight visitor)*, if his/her *trip* includes an overnight stay, or as a *same-day visitor (or excursionist)* otherwise” (UNWTO, 2014, p. 13)

It also must be taken into consideration that whether a tourist is traveling to a destination to evade the laws in their own country or for more traditional tourist activities like sight-seeing, there is no difference in what they require in terms of infrastructure, transportation and accommodation. Circumvention tourists also must plan around eventual visa restrictions, they need to finance their travel in some way, and just like any other form of tourism, circumvention tourism will have environmental, social, and economic impacts.

This paper will offer the perspective of tourism management and begin to fill the gap in the literature by attempting to answer the two following research questions:

RQ1: To what extent does circumvention tourism take place in Europe?

RQ2: In what ways does circumvention tourism impact societies?

As indicated in RQ1, the scope of the research is limited to Europe. The reason for limiting the scope geographically is twofold: Firstly, the researcher is more familiar with the situation in Europe, and secondly, it offers a new perspective on the research since the origin of the concept of circumvention tourism is in the United States of America (hereinafter USA), and thereby found to be somewhat focused on the situation there.

Since this is the first attempt of researching circumvention tourism from a tourism management perspective, RQ1 is designed to open up the discussion about what can be considered circumvention tourism, and whether the phenomenon is taking place to a large enough extent for circumvention tourism to be a useful framework for tourism management. The research does not include a quantitative study on visitor numbers for different types of circumvention tourism, but will answer the question with interpretations of the researcher following a qualitative study. This approach was chosen because as a first step towards bringing the framework to the tourism management literature, the interpretations of a tourism researcher will be more enlightening than mere numbers. Another concern regarding a quantitative approach to answer this question was that the controversial nature of the topic would make it difficult to gain access to the data required.

Regarding RQ2, the impacts that are discussed in this paper are primarily those highlighted in tourism literature: social, environmental, and economic impacts. In addition to impacts often discussed in tourism literature, impacts of circumvention tourism that have been discussed in other academic disciplines are taken into consideration. Important to note here is that, as opposed to most other tourism impact studies, the impacts researched are not limited to the impacts on the destination. Impacts on the destination are only part of this research, alongside impacts on the tourists’ home country, as well as the greater European community.

The paper first offers a summary of the existing literature on the topic, consolidated from different academic disciplines. This includes an introduction to the different forms of circumvention tourism that are found to exist in Europe, ranging from wild camping to suicide tourism. This overview is the first step towards answering to what extent circumvention tourism is taking place in Europe and offers insight into what shapes circumvention tourism can take.

Three cases are selected for further analysis: prostitution tourism from the perspective of destination country Germany; abortion tourism from the perspective of tourist home country Ireland; and drug tourism from the perspective of destination country Netherlands. Selecting two cases where circumvention tourism is investigated at the destination country and one where it is investigated at the home country allows for a two-pronged analysis of impacts on both the host and the visitor community. A background of each of the cases is provided before the entering the next section, methodology. The research method used for analyzing the three chosen cases is qualitative document analysis, with the units of analysis being the text of laws and policies regulating the three types of circumvention tourism. The findings of the three cases are subsequently discussed and related to concepts introduced in the literature review.

## 1 Review of the Literature

### 1.1. Circumvention Tourism

The term circumvention tourism was first introduced to the literature by Professor I. Glenn Cohen from Harvard Law School as a sub-category of medical tourism in 2012. Medical tourism, also referred to as health tourism, is a type of travel where the purpose of the journey is to obtain medical treatment (Cohen I. G., 2012). Why someone would leave their country of residency to obtain treatment elsewhere can be due to a number of reasons: costs of the desired procedures might be lower in the destination country, the quality offered abroad may be better, or perhaps the treatment is not available in the home country (Cohen I. G., 2015). A sub-category of the latter reason of availability is the legal availability of a treatment: a person might decide to visit a country for a medical procedure when it is illegal to obtain the treatment they desire at home (Cohen I. G., 2012). This is what Cohen has defined as circumvention tourism: “medical tourism for services that are legal in the patient’s destination country but illegal in the patient’s home country” (Cohen I. G., 2012, p. 1309).

As mentioned before, Cohen also argues that the term circumvention tourism can be used outside the field of medical tourism to describe all travel that takes place for legal evasion. The definition of circumvention tourism for this paper is therefore amended to: “tourism for services that are legal in the visitor’s destination country but illegal in the visitor’s home country”.



## 1.2. Travel Motivation and Competitive Advantage of Destinations

To understand the phenomenon of circumvention tourism, it is important to first establish a basic understanding of travel motivation. Simply put, travel motivation is the reason why a traveler decides to leave his or her usual environment. Since understanding travel motivation is one of the key aspects to understanding tourist behavior, it is a concept that tourism scholars have researched and discussed for many decades (Dann, 1981).

The vast research on the topic has resulted in several well-argued theories explaining travel motivation, and researchers generally agree that the act of traveling is a response to a need or desire that a person has, which cannot be fulfilled in the usual environment (Dann, 1981). When the usual environment of a traveler leaves needs or desires unfulfilled, the travel motivation to fulfil these need or desires is referred to as push factors (Dann, 1981). This could for example be a person living in Greenland who experiences the need to be in a warmer climate for a while. Their need to go to a warmer climate is the travel motivation, or push factor. In terms of circumvention tourism, the equivalent example could be a woman living in Ireland who finds herself pregnant and wishes to terminate the pregnancy. For her, the unwanted pregnancy would constitute the push factor that leads her to travel to access a safe and legal abortion.

The concept of push factors is accompanied by the concept of pull factors. Pull factors are the ways in which destinations satisfy the needs of the tourist (Dann, 1981). Following the above example, the Netherlands offers abortion services to foreign women, which would be a pull-factor for the Irish woman seeking an abortion.

Most Irish women who seek abortions, however, do not travel to the Netherlands to access the procedure, but to the United Kingdom (hereinafter UK) (Torney, 2015). Why travelers choose one destination over another when there are several destinations offering a solution to the needs is explained by the concept of destination attributes. The idea is that destinations have different attributes such as climate, culture, and services offered. The combination of different destination attributes is what makes a destination unique and attractive to different travelers (Dann, 1981). This explains why Irish abortion tourists mostly travel to the UK, rather than the Netherlands, to access abortions, since the UK has other destination attributes that make it a more attractive travel destination to Irish women, such as proximity to Ireland, cheap airfare, and the benefits of the Common Travel Area between Ireland and the UK. This example shows that in a competitive environment, it is usually not only one pull factor, or destination attribute, that makes a tourist decide on where to travel, but a combination of attributes (Crouch, 2011).

Furthermore, the access to a right that is not available in the tourist's usual environment might not be the response to a push factor, but a determinant attribute when choosing a destination to travel to. A determinant attribute means a destination attribute that has the strongest influence on the competitiveness of a destination (Crouch, 2011). It is important to

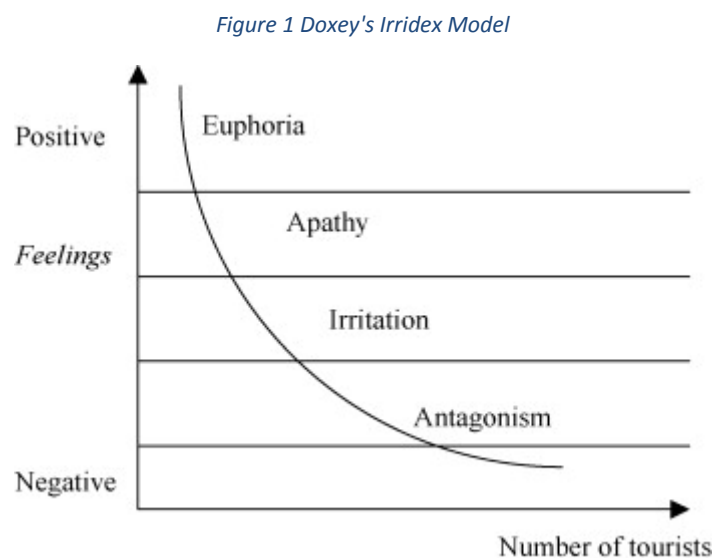
understand the difference between the push factor that leads to the decision to travel and the determinant attribute. The push factor for a French couple to travel might, for example, be that they have their annual holiday and wish to go camping for the novelty of it. They can choose to go camping anywhere they want, but might decide to go to Sweden since they can benefit from the Right to Roam there, and will not be subject to fines for wild camping. In this case, the Swedish right to roam serves as a determinant attribute that gives Sweden as a destination a competitive advantage over other, similar destinations.

This shows that research on circumvention tourism should include the analysis of the phenomenon as a push factor as well as a pull factor, and that it is especially interesting to keep in mind when analyzing the competitive advantage of destinations.

### 1.3. Impacts of Tourism

The impacts of tourism have been of great interest to tourism researchers for a long time since understanding and successfully managing impacts is a vital part of tourism management (Deery, Jago, & Fredline, 2012). Impacts are most often separated into positive and negative economic, social, and environmental impacts and are studied through theories such as Butler's Tourism Area Life Cycle (hereinafter TALC) or Doxey's Irritation Index, also referred to as irridex model (Bimonte & Punzo, 2016).

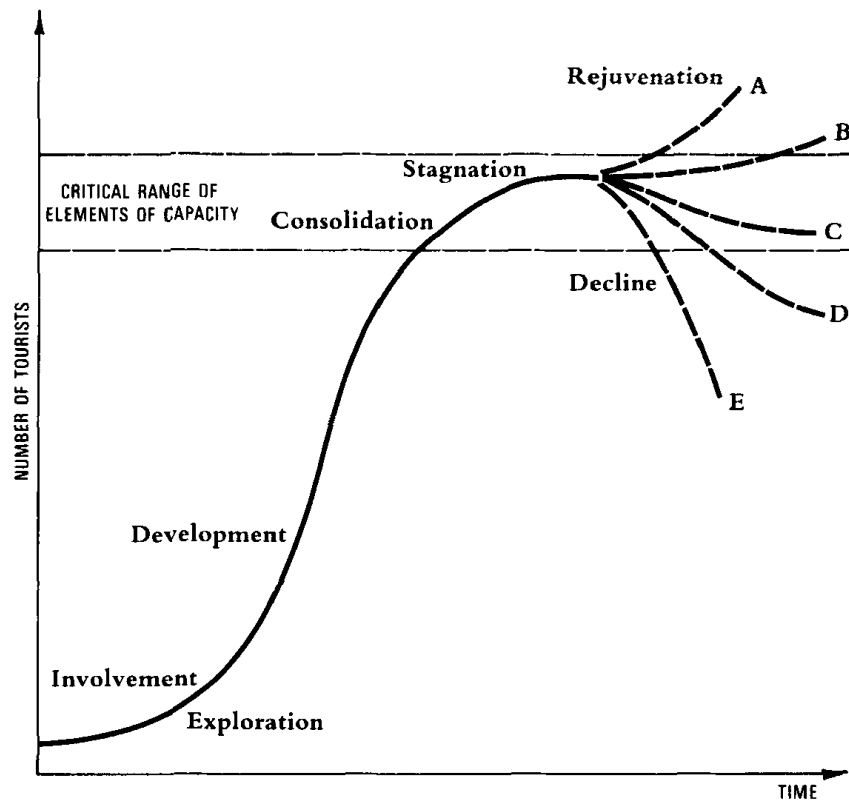
The Irridex model is concerned primarily with the host populations' attitudes towards tourists. It claims that the level of irritation experienced by host community members is directly linked to an increasing number of tourists in the area, divided into four stages: euphoria at the lowest amount of tourists, to apathy, irritation and finally antagonism at the highest amount of tourists (Butler, 1980).



Reisinger, 2009, p. 221

TALC is more concerned with visitor numbers and how to manage these for tourism development. TALC suggests that there is a natural development cycle that any tourist destination will go through, as illustrated by the figure below:

*Figure 2 Hypothetical evolution of a tourist area*



Butler, 1980, p. 7

At first, some tourists will explore a destination for the first time, but the access to the destination will be limited since no infrastructure or services to welcome them exist yet. As interest by tourists grows, tourism development starts happening. When the carrying capacity of the destination is reached, TALC suggests that there are several possible outcomes ranging from rejuvenation to decline, and that the development of the destination will depend on tourism management (Butler, 1980).

What these two theories, as well as most of the research on the subject, have in common, is that they are concerned with the impacts of tourism on the host community (Bimonte & Punzo, 2016).

In terms of economic impacts, researchers have found that host communities can benefit from impacts such as increased business and employment opportunities, a general strengthening of the local economy, revenue for local government, and funding for public services (Deery, Jago, & Fredline, 2012). Adverse economic impacts have also been

observed, such as inflation, opportunity costs, and over-dependence on tourism earnings (Mason, 2008a).

A lot of attention has also been directed towards the social impacts of tourism, which have been found to be more difficult to generalize, as well as more difficult to measure than the economic impacts (Mason, 2008b). The most prominent negative social impacts of tourism have been identified to be delinquent behavior such as crime, increased drug use and prostitution, as well as rowdy behavior, disruption, and nuisance due to overcrowding (Deery, Jago, & Fredline, 2012). Positive social impacts have been identified to be increased community pride and expansion of resources due to tourists that can also be enjoyed by local residents (Deery, Jago, & Fredline, 2012).

In addition to social impacts that are usually pointed out in tourism literature, it is important to note that other academic disciplines have also discovered circumvention tourism to have social impacts. For example, it has been discovered that circumvention tourism can be a contributing factor, as well as a limit, to constitutional and policy convergence and divergence (Dixond & Posner, 2011).

Convergence theory is based on the assumption that constitutional and policy law in one country influences constitutional and policy law in another country (Dixond & Posner, 2011). The theory can be divided into constitutional convergence, policy convergence, and divergence (Dixond & Posner, 2011). Convergence is the effect of the laws becoming more alike, whereas divergence means that the laws become less alike.

Convergence and divergence can be observed as an impact on the host community, but also on the visitor community, which is especially important for the second case investigated in this research.

Scholars have identified different types of mechanisms that can lead to convergence or divergence (Dixond & Posner, 2011), two of which are directly linked to circumvention tourism: learning and coercion.

The learning mechanism is based on the simple assumption that states learn from each other. When a state sees that another state is doing particularly well on a matter, it might try to imitate the policy or constitution to achieve similar results, resulting in convergence. Conversely, a state might observe the failure of other states in a matter and thereby attempt to learn from these mistakes, which could lead to divergence. For learning to take place, states must interact with each other, something that can be in the form of tourism. If tourists travel to Amsterdam and experiences the cannabis culture there, it might for example cause them to think differently about the drug regulations in their home country. This could be a first step towards policy convergence to take place. A limit to the learning mechanism is that states are different from each other. It is therefore not a given that

policies that are successful in one state will be successful in another state (Dixond & Posner, 2011).

Coercion is another mechanism which is highly relevant to the topic of circumvention tourism in Europe. Coercion can take the form of military pressure or economic sanctions, but also simply peer pressure and a threat to a countries reputation. It is used by dominant states to coerce a weaker state into changing laws or policies (Dixond & Posner, 2011). In circumvention tourism, it might be the case that a country does not wish to make a service that is accessible to their own citizens available to tourists because it is of a controversial nature and feared to be a threat to the countries reputation.

The third kind of impact that will be studied in this research are environmental impacts. In terms of environmental impacts, the same types of impacts might be considered negative by some while others consider them positive. For example, making a foot path through a national park is considered by some a negative impact because it changes the natural environment through erosion, while others consider it positive because it helps confine visitors to one place in the park, increases the awareness and appreciation of the place, and thereby perhaps bring about initiatives for larger-scale preservation (Mason, 2008c). Some environmental impacts are always considered negative, however, like litter, pollution, and irresponsible exploitation of natural resources for the benefit of the tourists (Deery, Jago, & Fredline, 2012).

#### 1.4. Regulation of Circumvention Tourism

The theory of circumvention tourism itself stems from the discipline of law. In a rapidly globalizing world where more and more people travel, legal questions about what is legal where, for whom, and for what reasons, are becoming more pertinent. To this point, most scholars of circumvention tourism have focused primarily on the legal implications of people crossing borders to evade laws, but some have also touched on the ethical implications that come with this.

Cohen (2012), the father of circumvention tourism, has focused mainly on the legal implications of people crossing borders to evade laws, but has also touched on the ethical implications that come with this. In his article *Circumvention Tourism* from 2012, he performed an analysis of American and international law and explained the legal mechanism through which states could combat circumvention tourism by extending jurisdiction beyond their borders

The first legal tool that states can use to regulate their citizens' participation in circumvention tourism, Cohen explains, is so-called "prescriptive jurisdiction". Prescriptive jurisdiction, or the jurisdiction to prescribe, is the power of a state to prescribe rules on its citizens, even outside the state's borders (Cohen I. G., 2012).

In 2003, for example, the UK used prescriptive jurisdiction to criminalize the act of assisting or arranging for female genital mutilation (also referred to as female genital cutting (hereinafter FGC)) of a UK citizen or permanent resident, even if the act itself is to take place abroad (Female Genital Mutilation Act 2003, 2003).

Prescriptive jurisdiction is not, however, a cure-all. Without the ability to enforce laws outside of its territory, prescriptive jurisdiction might seem to be of little use for most countries. The UK Female Genital Mutilation Act of 2003 is a prime example of prescriptive jurisdiction without enforcement jurisdiction, which is the type of jurisdiction that would give UK officials the right to enter foreign territory to prosecute the perpetrators (Cohen I. G., 2012). Without enforcement jurisdiction, one might think that prescriptive jurisdiction is useless, but in the regulation of circumvention tourism, Cohen explains, it remains a powerful legal tool since tourists per definition have the intention to return to the home state after their circumvention tourism endeavor. Once the circumvention tourist is back in their home territory and jurisdiction, prosecution can take place.

An example of how this mechanism was used is the case of how German women around 1990 were forced to undergo gynecological examinations at the Dutch border when re-entering Germany to detect whether they had had extraterritorial abortions at a time that abortions were illegal in Germany. Criminal charges were then brought against the women who showed signs of having had an abortion (Kreimer, 1992). This case raises the question whether circumvention tourism is such a violation of national law that it justifies subjecting people to invasive procedures like this.

Two issues that further complicate the application and enforcement of prescriptive jurisdiction are the so-called “nationality principle” and the differences between civil law and common law jurisdictions.

In the context of circumvention tourism, Cohen argues that most cases of prescriptive jurisdiction are justified on the basis of the so-called nationality principle (Cohen I. G., 2012). The nationality principle consists of a state using the citizenship of its citizens as a justification to prescribe rules on them or to protect them, even if the behavior takes place outside the home jurisdiction. The nationality principle is further divided into “active” and “passive” nationality. Active nationality means that the jurisdiction is focusing on the nationality of the perpetrator of a crime committed extraterritorially. Passive nationality, on the other hand, refers to the nationality of the victim (Ireland-Piper, 2013).

The application of prescriptive jurisdiction varies significantly from country to country, especially between those that are civil law jurisdictions and those that are common law jurisdictions (Ireland-Piper, 2013). Civil law jurisdiction means that the law in these countries is codified; a comprehensive code exists specifying what types of actions constitute offenses, how these offenses should be dealt with, and what punishment they will provoke. All of the

countries in continental Europe are civil law jurisdictions (University of Ottawa, n.d.). Common-law, on the other hand, is what is called an uncodified system, which means that it is an ever-growing compilation of precedents; the ruling of judges on similar cases. Examples of common law jurisdictions are the USA, the UK, and Ireland (The Robbins Collection., 2010). Common law jurisdictions usually use the nationality principle for prescriptive jurisdiction on a case to case basis, whereas civil law jurisdictions often apply it generally to the entire criminal code (Ireland-Piper, 2013).

Cohen's analysis of different bases for prescriptive jurisdiction is followed by the conclusion that "existing customary international law will permit, but not require, home countries to criminalize circumvention tourism" (Cohen I. G., 2012, p. 1335).

Even if it is possible for states to prescribe certain conduct on their nationals, several questions remain: When should a state make use of prescriptive jurisdiction? What are the effects of allowing citizens to engage in circumvention tourism? Even if circumvention tourism is legal, is it fair?

One type of circumvention tourism that has served as an example to discuss this is abortion tourism. The case of Ireland has fueled the discussion on abortion tourism and the laws surrounding it for decades (Ergas, 2016). While Ireland is enforcing strict abortion legislations, which is known to be a push-factor for abortion tourism to take place, the right to travel for abortions is secured in the Irish constitution, and Ireland (a common-law jurisdiction) has refrained from making use of prescriptive jurisdiction in this case.

This has caused scholars, such as Yasmine Ergas, to criticize Ireland for eliding its obligations to ensure that all its citizens have access to the same rights (Ergas, 2016): "Ensuring 'rights through travel' can enable states to enforce regulations within their own territory that would not pass constitutional or political muster if there were not another state willing to provide the services they are themselves intent on denying." (Ergas, 2016, p. 39)

The argument suggests that traveling is a privilege that not everyone can enjoy, so in effect, laws that are designed in a way that they ensure certain rights to those who have the means to travel are discriminatory based on economic standing (Ergas, 2016). The same argument has also been raised in the context of European Union (hereinafter EU) legislation reform:

*Ability to rely on European rights is limited to those whose financial position permits them to pay for services sought in another Member State. This raises the question of whether it is equitable, within the EU, that Member States may impose their regulatory choices only on those who cannot afford to 'choose' another regulatory regime, by buying a service in another Member State (Hervey, 1998, p. 228)*

A matter which further complicates the solidarity issue is that access to circumvention tourism will decrease the need to advocate for change for those who can access it:

“constitutional tourism of this kind [has] served to diffuse domestic political pressure for change to abortion laws in these countries” (Dixond & Posner, 2011, p. 419).

If one supports the notion of Ergas that access to travel is a matter of privilege, it can be argued that diffused political pressure is negative, and supporting this system is therefore not loyal to community members who are not privileged enough to travel.

The research of Sven Bergman (2011), which has focused on German circumvention tourists who travel to Spain and the Czech Republic to get legal access to oocyte donations, has provided some evidence that higher economic standing can correlate with the experienced degree of urgency to change legislation at home:

*“Whereas Jeanette Weigand, the woman with the most financial resources among the three cases, advocates a consumer’s model in medicine that could imply looking for better quality or prices in other countries, couples like the Kramers and the Ritters confront German policy. In fact, the couple with the lowest income (the Ritters) saw the first step as changing German reproductive law.”* (Bergmann, 2011, p. 606).

A limitation of the research in this particular case is that it lacks the representation of someone who did not have the means to travel at all, since all the couples of Bergman’s study were interviewed at the destination.

Another interesting comment on the question of whether laws allowing for circumvention tourism are a form of financial discrimination, is that, in the field of reproductive tourism, most countries already discriminate based on income since most fertility treatments fall outside the public healthcare systems (Pennings, 2002). This insight makes it clear that to explore the financial discrimination argument further, it has to be explored whether travel is or should be a privilege or a right.

Leaving the economic argument aside, some suggest that circumvention tourism is a good thing, since it “prevents the frontal clash between the majority who imposes its view and the minority who claim to have a moral right to some medical service” (Pennings, 2002, p. 337). This argument is based on the assumption that moral pluralism; “the idea that there are several values which may be equally correct and fundamental, and yet in conflict with each other” (Kim, n.d.) exists in all modern societies.

The assumption is supported by the argument that democracy is based on majority rule, not consensus (Pennings, 2002). With the aim of satisfying the needs of all citizens, majority and minorities alike, Pennings (2002) argues that nations should tolerate the diverging moral convictions of the minority, and that allowing circumvention tourism is a good way of solving this conflict.



At the same time, however, a phenomenon that Greggor Mattson (2016) of Oberlin College has named “globalization anxieties” is influencing laws and regulations in Europe. Globalization anxieties refer to the feeling of globalization is a threat to national sovereignty and identity. Mattson’s recent research focuses on prostitution regulation in Europe, and he explains that globalization anxieties have had a tremendous impact on the development of policies the last few years: “Amid widespread anxieties that globalization eroded national cultural differences, prostitutes came to symbolize the ability of nations to preserve their values and police their borders” (Mattson, 2016, p. 2).

Circumvention tourism allows for citizens of the same nation to hold and act on different views on what services should be legal and accessible to them. This can be experienced as problematic by a nation that suffers from globalization anxieties, since it means lessened control over the behavior of their citizens. If a country experiences globalization anxieties, it could therefore feel threatened by its citizens access to circumvention tourism.

### 1.5. Types of Circumvention Tourism in Europe

The focus of this paper is limited to the EU and its member states. Due to this scope, it is natural to focus on the types of circumvention tourism that exist within the EU, as well as some cases including members of the European Economic Agreement (hereinafter EEA) and Schengen-area member states such as Switzerland.

Thanks to the Schengen agreement and the single market, Europeans enjoy the convenience of traveling without any forms of institutional travel restrictions such as visa requirements. In addition, low budget airlines have made travel easy and accessible for a large proportion of the population.

Europeans travel to other EU member states for many reasons, and evidence suggests that several types of circumvention tourism are taking place in the EU. The following section will outline some of the cases of circumvention tourism taking place in the EU. Not all of these cases have been identified or researched as circumvention tourism before, so the aim of this section, besides providing insight into the extent of circumvention tourism in Europe, is to point out how some attractions can fit into this framework. This will establish the understanding that circumvention tourism is a useful tool for tourism management to understand these groups of tourists.

This section will introduce eight types of circumvention tourism taking place in Europe. It starts with what can be considered the least controversial type, wild camping, and ending with the most controversial type, suicide tourism. This structure is used to illustrate the wide range of services that circumvention tourism can be applied to.

It should be noted that other types of circumvention tourism that are not part of this list might very well be taking place in Europe. More than considering this an exhaustive

overview, this section is aiming to provide the reader with an understanding of different forms of circumvention tourism to get a general feeling for the concept, so more types can be identified in further research.

#### 1.5.1. Wild Camping

The right to access the countryside and to use it for different purposes like hiking, skiing, camping, hunting and fishing or berry and mushroom picking is regulated to different degrees in the different EU member states. In Germany, for example, the right to wild camping, camping outside designated camping grounds, is severely restricted and campers are subject to fines if they are found camping outside a camping site (n-tv, 2015).

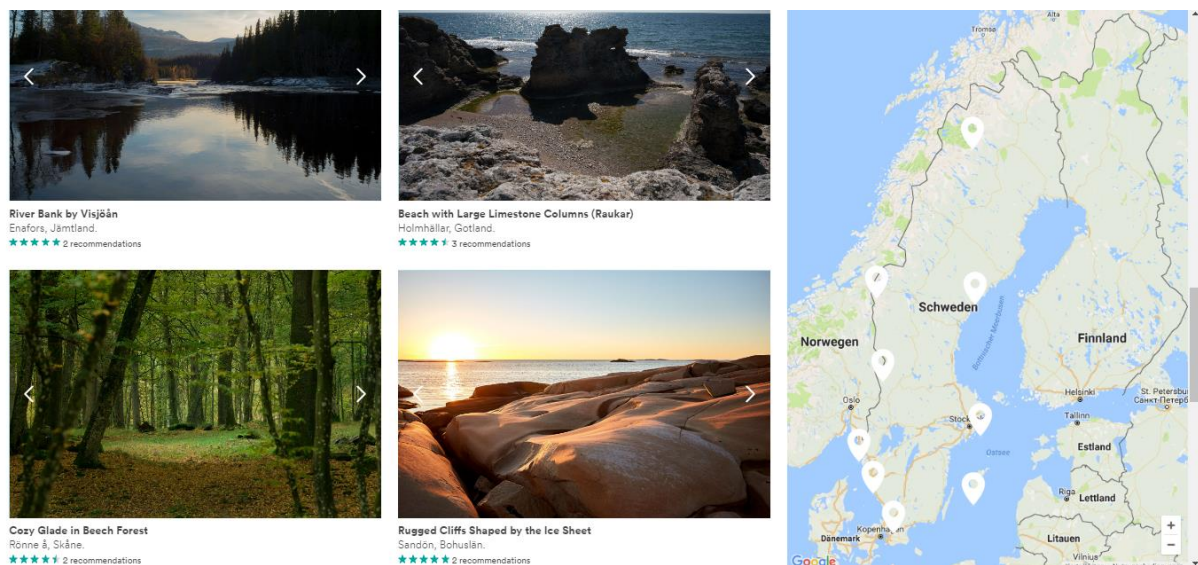
Norway, Finland, and Sweden, however, offer a unique right to enjoy nature due to longstanding wildlife traditions. In Finland, the law securing this right is called “Everyman’s right” (Ministry of the Environment, 2016); in Norway it is called “The Right to Roam” (Norwegian Environment Agency, 2017), and in Sweden it is called “the Right of Public Access”, but is also referred to as “the right to roam” or “the Freedom to Roam” (Swedish Environmental Protection Agency, 2011).

These unique rights offer residents and visitors alike the opportunity to pitch a tent anywhere they wish provided it is “where farming is not carried on and not too close to a residence” (Swedish Environmental Protection Agency, 2011, p. 2). The laws also secure the right to hike, ski, and pick berries and mushrooms with few restrictions, mostly based on simply respecting nature.

This sort of freedom is attractive to many visitors, as it offers the solution to what one camper describes as the fundamental contradiction of regular camping: “the urge to escape into rural tranquility tends to bring you, instead, a few unsound proofed metres from noisy families, revving car engines, and smelly toilet blocks.” (Burkeman, 2010).

The attractiveness of wild camping is something that the Destination Marketing Organization’s (DMO’s) of Norway, Finland, and Sweden have picked up on and are promoting on their websites (Outdoors Finland; The right to roam: Joys and Responsibilities, n.d.; Visit Sweden, n.d.). VisitSweden.com, the website of Sweden’s DMO, introduces the topic this way: “Sweden has no Eiffel Towers. No Niagara Falls or Big Bens. Not even a little Sphinx. Sweden has something else – the freedom to roam. This is our monument.” (Visit Sweden, n.d.). To spread the word and to attract more visitors with the Freedom to Roam, Visit Sweden even listed the entire country on AirBnB (Roam Free, n.d.).

Figure 3 Visit Sweden Marketing Circumvention Tourism



Screenshot of website (Visit Sweden, n.d.)

On the Lofoten Islands in Norway, however, the large numbers of visitors who wish to take advantage of the right to roam have caused severe environmental impacts. In the summer of 2017, local authorities reported to be completely overwhelmed with the amount of wild campers, and failed to keep up with the demand for trash removal and toilet facilities. How to deal with the situation has been disputed: Local authorities called for a tourist tax to be implemented to collect funds to build up the infrastructure needed, but the Norwegian parliament voted against this in the spring of 2017, since they believe vacations in Norway are already expensive enough for foreign visitors (Lysvold, Plassen, & Trygstad, 2017). Innovation Norway instead suggested to be stop marketing of the Lofoten region as a solution (Lysvold, Plassen, & Trygstad, 2017).

Scotland, another destination where wild camping is regarded an attractive destination attribute, have found their own way to regulate visitor numbers exceeding the carrying capacity of certain areas. Instead of a tourist tax or halt in marketing activities, they established by-laws restricting wild camping in certain areas in high season (BBC, 2017). This is a good example of how circumvention tourism is not different from other types of tourism since concepts like seasonality, carrying capacity, and visitor impacts apply and are important to manage visitor numbers.

### 1.5.2. Autobahn Tourism

Germany is a destination with (among others) the unique attribute of highways without speed limits. The highway system, famously called Autobahn, attracts tourists, especially from the USA, who want to enjoy the freedom to drive as fast as they desire without risking penalties (Meiners, 2013). The German Autobahn is the only highway system in Europe where drivers are allowed to drive faster than 140km/hour (Gorhau, 2013).

Tourists who would like to circumvent the speed limits of their home environments are catered to by numerous tour operators, for example Autobahn Adventures, a tour operator that offers packages of luxury rental cars combined with accommodation, and access to attractions (Luxury European Driving Tours, n.d.). Regular rental car companies also profit from the liberal speed limit regulation. One provider describes Germany as “Home to the Autobahn, the most celebrated highway system on the planet, Germany is the perfect destination for exploring your sports car fantasy” (Luxury Car Rental Germany, n.d.).

### 1.5.3. Whale Meat Consumption

In addition to wild camping, Norway and Iceland can offer their visitors a delicacy that is prohibited in all other EU member states: whale meat from commercial whaling (Commercial Whaling, n.d.). Whale and Dolphin Conservation (hereinafter WDC), a charity dedicated to saving whales and dolphins, claimed that 40% of visitors that came to Iceland in 2009 admitted having eaten whale, and warn that “minke whaling in Iceland is still conducted almost totally to service tourist demand, under the mistaken belief that they are eating a 'traditional' dish” (WDC, n.d.).

The practice to hunt and eat whale remain controversial in the rest of Europe, something Innovation Norway experienced first-hand when serving whale meat at a German food fair in 2015: German customs officers reportedly approached the Norwegian stand and seized what was left of 7kg whale meat that was being served to fair attendants (Lindeberg, 2015). According to WDC, who was the party to have discovered the whale meat at the fair, Innovation Norway was fined 1000€ for the incident (WDC, 2015). Whereas Innovation Norway got away with their fine, one can face imprisonment of up to 5 years for importing and selling whale meat in Germany (Lindeberg, 2015). Keeping these penalties in mind, it is understandable why the legality of the meat serves as travel motivation for those who want to try it.

### 1.5.4. Drug Tourism

Narcotics and other controlled substances can also serve as travel motivation for some tourists. Travel for this purpose is called drug tourism (Belhassen, Almeida, & Uriely, 2007). Drug tourism destinations can be places where drugs are easily accessible, yet still illegal, or places where substances are legal (Belhassen, Almeida, & Uriely, 2007). This latter type is what constitutes circumventive drug tourism.

In Europe, there are a few destinations that stand out for their liberal drug legislation. Portugal, for instance, decriminalized the possession and consumption of all substances in 2001 through Law 30/2000 (EMCDDA, n.d.). More famously, however, because of the longevity of the policy, are the liberal attitudes towards soft drugs in the Netherlands (Grether, 2014). In the Netherlands, consumption of cannabis is tolerated and socially accepted in establishments called coffee shops. Who can access these coffee shops is regulated on the local level (EMCDDA, n.d.). One famous and popular destination for

cannabis consumption is Amsterdam, reportedly attracting 1,5 million visitors annually for drug tourism (Charter, 2012).

Tourism scholars have argued that cannabis tourism can be considered a form of heritage tourism, since there is a growing community of cannabis consumers who like to travel to places like Amsterdam to be with like-minded people (Belhassen, Almeida, & Uriely, 2007). More than the decriminalized smoking of cannabis in coffee shops, Amsterdam offers attractions like the Cannabis Museum and an annual trade show called the Cannabis Cup. A drug tourist interviewed by Belhassen et al (2007) claimed that; “Similar to the wish of every Jew to be in Jerusalem, every pot smoker wants to be in Amsterdam – which is the capital city of cannabis.” (Belhassen, Almeida, & Uriely, 2007, p. 313).

#### 1.5.5. Prostitution Tourism

Furthermore, it is known that some Europeans travel to enjoy the liberal prostitution legislation of member states like the Netherlands and Germany: “Saarbrücken, a mere hop over the German border from the French cities of Strassbourg, Nancy and Metz, is already flooded with French male sex tourists at weekends” (Paterson, 2013).

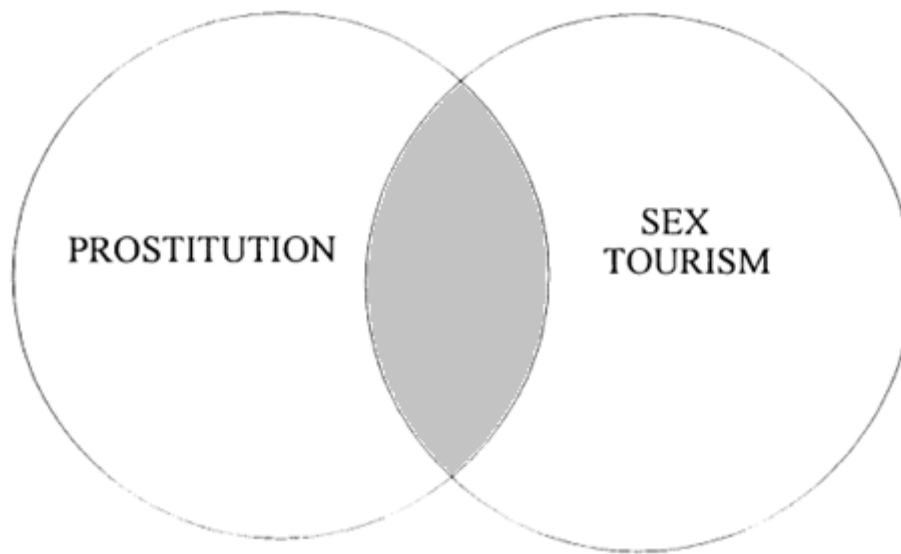
News outlets in Germany regularly report on foreigners visiting the country’s brothels, calling the phenomenon sex tourism (Schmitz, 2013). Whereas technically they are not wrong in calling it sex tourism, the term prostitution tourism would be more accurate. This is because sex tourism is a general term describing any traveling that is motivated by some sort of sex, whether it be a small part of, or the main travel motivation, or anything in between (Oppermann, 1999). Using this definition, there is a wide range of what is to be considered sex tourism, arguably even newlyweds going on a romantic honeymoon with the hopes of consummating their marriage.

A sub-category of sex tourism which gets closer to the topic of this research endeavor is commercial sex tourism. Commercial sex tourism encompasses any form of sex tourism that is of commercial nature (Oppermann, 1999). It can for example be used to describe an organized bus-tours stopping at different brothels, or swinger cruises that guests pay for with the aim to have sex with other guests, but where no prostitutes are involved. Commercial sex tourism can, but does not have to, include prostitution.

Now arriving at the term prostitution tourism, the correct term for the sub-category of commercial sex tourism that involves the purchase of sexual services from prostitutes. This term leaves little room for misunderstandings, and is thereby the preferable choice for this discussion.

The figure below illustrates prostitution tourism, marked in grey, as the overlap between sex tourism and prostitution.

*Figure 4 Relation of Prostitution and Sex Tourism*



Adapted from Oppermann, 1999 p.12

An interesting aspect of prostitution tourism, as opposed to other forms of commercial sex tourism, is that both the customer as well as the prostitute can be regarded as a tourist (Oppermann, 1999). When first hearing the word prostitution tourist one might think of someone traveling to another country to purchase sex. This is indeed a prostitution tourist, but it is not the only type: In some cases, the prostitutes themselves are tourists (Oppermann, 1999). For example, a woman from Lithuania traveling to Germany for a limited amount of time to work as a prostitute may be considered a prostitution business tourist. In some cases, then, both the buyer and the prostitute might be considered prostitution tourists in Germany.

#### **1.5.6. Reproductive Tourism**

In health law, a lot of research has been carried out on different types of reproductive tourism, also referred to as cross border reproductive care (hereinafter CBRC) (Cohen I. G., 2015), finding that within the EU, “legal diversity, combined with regulations about free movement of people and services, creates the perfect background for CBRC for law evasion on a large scale.” (Hoof, Pennings, & Sutter, 2016, p. 102).

Circumventive reproductive tourism includes traveling to access services like in vitro fertilization (hereinafter IVF), sex selection of a fetus, surrogacy, embryonic diagnosis and sperm and egg donation (Martin, 2009). Attempts at harmonizing the availability of fertility treatments in the EU have been unsuccessful on a regional level, and the fact that different destinations offer different services continues to generate tourism flow across member states (Connell, 2011).



Origin countries of reproductive tourists are states like Germany, where fertility technologies are highly restricted (Martin, 2009). Popular destinations for CBRC are Barcelona, Spain, and Prague, Czech Republic, since they, in addition to liberal regulations regarding CBRC, can offer tourism infrastructure like international airports, accommodation, and transportation systems which tourists need whether they travel to see a popular attraction or to access an established egg donor system (Bergmann, 2011).

Some clinics, however, have also recognized their more rural location as a marketable attribute: The Spanish fertility clinic Centro de Fertilización in Vitro de Asturias (hereinafter CEFIVA), states on their website that they are situated in a “small, peaceful city” (free translation from Spanish) (CEFIVA, n.d.). In the same section, entitled “International Attention” (free translation from Spanish), the clinic states that they offer services that are restricted in other countries, provide travel information on how to get to the clinic, and list the services they provide (CEFIVA, n.d.). This shows that fertility clinics have already realized what scholars are starting to identify as destination attributes that can increase a destination’s competitiveness: “Lack of regulations is also good for business and local economies. Fertility clinics in such places as India, the United States, or Spain, which have less restrictive policies regarding reproductive technologies than other nations, are able to—and expressly do—market themselves to a niche clientele seeking to bypass what they see as overly restrictive policies and/or overly expensive services.” (Martin, 2009, p. 254)

#### 1.5.7. Abortion Tourism

Another type of medical circumvention tourism taking place in Europe is abortion tourism (Gilmarting & White, 2011). Abortion tourism has existed all over the world at many different points in history (Kelly & Tuszynski, 2016). The term refers to travel by pregnant women, the abortion tourists, who have the aim of accessing abortion services outside their usual environment. As mentioned before, some scholars prefer the term “abortion travel” when describing this phenomenon, in order to “avoid the consumerist and individualist connotations” of abortion tourism (Kelly & Tuszynski, 2016, p. 25). As argued before, this research does not see any reason why abortion tourism should not be referred to as tourism, since it fits the UNWTO definition of the activity of visitors.

There are several reasons to engage in abortion tourism: “Women cross borders to access services where they are legal, or less expensive, or come with other advantages such as increased privacy or medical guarantees.” (Ergas, 2016). This means that abortion tourism might take place because the medical services or the infrastructure in another destination are better than the usual environment of the abortion tourist. In some cases, it might even be cheaper to carry out the procedure abroad. It could also be the case that the pregnant woman would like to ensure the anonymity of her actions, and therefore chooses to travel for the procedure. A third reason would be the cases where abortion is illegal in the home jurisdiction of the pregnant woman, and the woman travels to another jurisdiction where it

is legal to avoid prosecution. It is this latter type that constitutes circumventive abortion tourism.

An abortion tourist might choose abortion tourism to terminate a pregnancy for one, several, or all of the above reasons. Since this thesis focuses on circumvention tourism, it will only examine cases where the last reason, to circumvent the law of the home jurisdiction, is at least one of the reasons for why a woman embarks on an abortion tourism journey. To find these cases, it is necessary to identify the places where the usual environment of women is a jurisdiction in which abortion is prohibited or severely restricted.

In contrast to most of Europe, the EU countries that currently prohibit or severely restrict access to abortion are Ireland, Poland and Malta. Women whose usual environment are one of these countries are some of the most common circumventive abortion tourists, as proven by the numbers of women that travel from these countries every year to access abortion: Between 2010 and 2014, 24,599 abortions were carried out in British clinics on women from Northern Ireland and Ireland (Torney, 2015). In 2007 the UK was also the destination of at least 31,000 Polish abortion tourists, even though it is not on the top list of destination choices by Polish abortion tourists (Bloom, 2008).

Since legal diversity exists even among the jurisdictions that generally allow abortions, women might travel for types of abortions that are not permitted in their country of residency. Barcelona, for example, has been dubbed “Europe’s abortion mecca” (Connell, 2011, p. 143) because it is a place that women can travel in order to circumvent restrictions on late term abortions (Connell, 2011). In 2008, it was reported that a Dutch woman had traveled to Barcelona and got an abortion performed at 27 weeks pregnant, 3 weeks later than the Dutch maximum limit of 24 weeks. Upon return to the Netherlands, she was prosecuted for murder on her unborn child (Mail Online, 2008), a good example of how prescriptive jurisdiction can work in circumvention tourism.

Another sub-type of abortion tourism might be on the rise in Norway: The Norwegian Department of Justice recently decided that fetal reductions, which is the selective abortion of a fetus while leaving another fetus alive inside the womb, are legal in the case of twins. This decision has prompted women from other countries to enquire about the procedure at Norwegian hospitals (Mortimer, 2016). The department of Health decided that this right is applicable to foreign women as well (Schjetne, 2016), a decision that caused an outcry in Norwegian media outlets with critics saying they did not want Norway to become an abortion tourism destination (Våge & Aanje, 2017). Among the headlines contributing to the debate were “Fearing Fetal-reduction Tourism” (Menneskeverd, 2016), “Norway Should Not Allow Fetal-reduction Tourism” (Våge & Aanje, 2017), and “Take a clear stand against abortion tourism” (Bollestad, 2016) (All titles are freely translated from Norwegian by the author).



### 1.5.8. Suicide Tourism

Another phenomenon that is often referred to when discussing circumvention tourism is suicide tourism (Cohen I. G., 2012; Cohen I. G., 2015). Suicide tourism, also called euthanasia tourism, refers to the phenomenon of people traveling to a jurisdiction where assisted suicide is legal to end their lives (Gauthier, Mausbach, Reisch, & Bartsch, 2015). The number one destination worldwide for suicide tourism is Switzerland, earning the title by being the only country to permit assisted suicide for non-residents (Cohen I. G., 2012).

According to research carried out between 2008 and 2012, a total of 611 people travelled to Switzerland over those 5 years to access assisted suicide services (Gauthier, Mausbach, Reisch, & Bartsch, 2015). Most of the suicide tourists included in the study came from other countries in Europe, in fact over 75% came from Germany (43,9%), the UK (20,6%) and France (10,8%) (Gauthier, Mausbach, Reisch, & Bartsch, 2015).

It should be noted here, that the research that is referred to in this section is carried out in the field of medical ethics. As such, it is mostly concerned with the ethical, medical, and legal implications of the phenomenon. From a tourism perspective, however, the question should be raised whether this phenomenon technically can be defined as tourism, since the traveler, if the purpose of the travel is fulfilled, would not return to the country of departure, at least not in the original state. The question is therefore whether suicide tourism fits the UNWTO definition of tourism, which defines tourism as the activity of visitors, a visitor being “a traveller taking a trip to a main destination outside his/her usual environment, for less than a year [...]” (UNWTO, 2014, p. 12). Although not explicitly stated in the definition, the second part of the sentence seems to imply a return at the end of the temporary stay. Since this is not clearly stated, however, this paper will accept suicide tourism as an appropriate term to describe the phenomenon.

## 2 Presentation of Selected Cases

The following section will introduce the three cases that are subject to further analysis in this paper: Prostitution tourism in Germany, abortion tourism with country of origin Ireland, and drug tourism in The Netherlands. These introductions will provide an overview over the current legal situation on the topics in question and the extent of circumvention tourism that is known to exist.

### 2.1 Prostitution Tourism from the Perspective of Destination Germany

Germany has some of the most liberal prostitution regulations in Europe. Prostitution has never been illegal, but until the first Prostitution Act of 2001, it was merely decriminalized. Following the change in regulation in 2001, however, prostitution has become legal and prostitutes have since then had access to social and health insurance in the same way as employees in any other profession (BMFSFJ, 2007). This is different from many other European countries where prostitution is either illegal, decriminalized, or severely restricted.

Norway, Sweden, Iceland and France have criminalized the purchase of sex rather than the selling of sex, a model often referred to as the Nordic Model (Mattson, 2016). Even compared to other countries in Europe where prostitution is legal, like the neighboring Czech Republic, Germany stands out because brothels, and even flat rate brothels, are allowed. At some German flat-rate brothels a customer can drink as much alcohol as they want and have sex with as many prostitutes as they want for 49€ a night (Bordell Berlin: King George, n.d.). The flat rate brothel King George in Berlin claims to be a meeting point for Berliners and visitors from all over the world, which suggests that these establishments attract prostitution tourists as well as local clients.

When talking about prostitution establishments in Germany, an important term to know is FKK. FKK is an abbreviation for Freikörperkultur, which means nudist culture in German. An FKK beach, for example, is the German term for a nudist beach. In the prostitution scene, however, an FKK club is an establishment where one pays an entrance fee, usually the fee for women is lower than for men, to get access to private rooms, showers, saunas and other amenities the club owners decide to include. The women in the FKK clubs then offer prostitution services to the male customers on a freelancer basis, and the following transaction is strictly between the customer and the prostitute, and not the operators of the club. Such establishments, sometimes also referred to as sauna clubs, offer a unique environment for prostitution which can be attractive to prostitution tourists.

The lack of official numbers makes it difficult to determine to what extent prostitution tourism is taking place in Germany. Whether it is taking place, however, is not in question. Like any other tourism product, there are tour operators specializing in prostitution tours in Germany, targeting the international market (FKK Tour Germany, 2017).

Internet forums like [internationalsexguide.info](http://internationalsexguide.info) also offer platforms for prostitution tourists to exchange their experiences and to share travel advice (The International Sex Guide, 2017). Although there is travel advice for all over the world on [internationalsexguide.info](http://internationalsexguide.info), the forum for Germany is one of the ones with the most content. Testimonies from users show that border regions, such as the German region Saarland, bordering France, are likely to attract foreign customers. A review from 2011 of the FKK Club 214 in Saarbrücken, includes the following statement:

*“at the fkk club 214, you will quickly notice that many customers are french. the day i was there, french were the even the vast majority. many of the ladies come from romania. some come from other eastern europe countries, some come from latin america, and eventually, the others are simply local professional hookers.”*  
(PolarWolf, 2011)

A television documentary from 2014 investigated the situation in Saarbücken and discovered that there were 1000 prostitutes working in the city at the time, a significant number for a

city of 179 000 people (Rohrbeck, 2014). 150 of these prostitutes worked on the street, and 90% of these were estimated to be Romanian or Bulgarian (Rohrbeck, 2014). Two street prostitutes who were interviewed for the documentary said that most of their customers were French, and Michael Beretin, the marketing executive at the German brothel chain Paradise who was interviewed in connection with the building of a megabrothel in Saarbrücken also said that the brothel would cater to French clients, among other things by requiring all brothel staff to speak French (Rohrbeck, 2014).

The high proportion of French prostitution clients can be explained by the restrictive laws on the French side of the border. In 2014, new legislation in France was underway, making it illegal to purchase sex. This law went into effect in 2016, following the same model as Sweden, Norway, and Iceland (Timms, 2016).

Michael Beretin described the trend towards stricter prostitution regulations in France like winning the lottery (Reed, 2014), but local politician Petra Messinger voiced her concerns that restricting the French laws on prostitution would result in a further increase in prostitution tourism from France to Saarbrücken (Rohrbeck, 2014).

Local residents in 2014 seemed to be either in the annoyance or the antagonism stage of the irridex model regarding prostitution tourism: one local resident told Rohrbeck in 2014 that she did not mind prostitution in general, but that the numbers in the city have far exceeded what is acceptable, and that it in addition to other nuisance had resulted in a lot of littering in the area (Rohrbeck, 2014). The two prostitutes that were interviewed in the documentary could also share that residents sometimes threw trash at them while passing by in their cars (Rohrbeck, 2014).

Although prescriptive jurisdiction of the French criminal code makes purchasing of sex in Germany illegal for a French citizen or permanent resident, the establishments on the German side of the border still clearly cater to the French clientele. The websites of the various FKK clubs, for example, are available in German and French, and sometimes in English as well (Fkk Club 214, n.d.; Paradise Saarbrücken, n.d.).

In order to understand the phenomenon of prostitution tourism in Germany, documents will be analyzed to offer insights into some of the changes for German prostitution between the passing of the first Prostitution Act in 2001 and the second Prostitution Act on 2016. In between the passing of the two acts, an important study was carried out: the Federal Government Report of the Impact of the Act Regulating the Legal Situation of Prostitutes of 2007 (BMFSFJ, 2007), which the Bundestag called the Federal Government to carry out in connection with passing the law in 2001. The report aimed to evaluate the impact of the Prostitution Act of 2001, determining which parts of the law worked as intended, and which parts had to be improved in future legislation. The evaluations laid the groundwork for the new act of 2016, and are well reflected in the analysis of the following three documents.

Important to note is that the report also found that independent factors played a role in the research, stressing the importance of social context to this analysis. For example, the report found that it had become more difficult for the police to prosecute crimes related to human trafficking, but that this was not necessarily a result of the prostitution act. The EU enlargements of 2004 and 2007 are mentioned to have made police work more difficult. This is because before the enlargement, police could use the illegal immigration status of suspected victims as reason to investigate situations. This shows that prostitution does not evolve in a vacuum:

*“our study has provided clear indications that, in ascribing cause and effect, other factors that are totally unconnected to the Prostitution Act, such as the EU’s eastern enlargement and the Immigration Act, play a role and often concur with the view taken by experts. [...] Since the impact of the Prostitution Act and the Eastern enlargement fall within the same time frame, it is difficult to distinguish between the different causes.” (BMFSFJ, 2007, p. 48)*

A brothel operator who was interviewed in a BBC Newsnight documentary in 2014 also argues for the theory that the experienced increase of prostitutes in Germany since the early 2000’s was due to EU enlargement, not the liberalized laws (Reed, 2014).

The federal report does not offer any insight on numbers of prostitutes, number of brothels, or percentage of immigrant prostitutes, nor numbers of trafficking victims. Other channels, however, such as the BBC, have made estimations on the matter. In a documentary from 2014, they claim that “as a result of the new law, the number of prostitutes in Germany is thought to have doubled to 400.000” (Reed, 2014). The number of 400.000 prostitutes has in fact been repeated throughout news stories since the 80’s, but there is no study that can verify this number.

The federal report on the Prostitution Act also briefly addressed prostitution regulation in other European countries: It examined the prostitution regulations of the Netherlands, France, and Sweden. One of the recommendations of the report is to continue to observe what other countries do, and to start collaborations to learn from one another (BMFSFJ, 2007).

## 2.2 Abortion Tourism from the Perspective of Tourist Country of Origin Ireland

In Ireland, abortions are only allowed in cases where the mother’s life is at risk (Oireachtas, 2013). It is well known, however, that a large number of Irish women travel abroad to access legal, safe abortions each year. From 2010 to 2015, nearly 25000 women from Northern Ireland and Ireland traveled to England and Wales alone to terminate pregnancies (Torney, 2015), and their right to do this is even secured in the Irish constitution.

The issue whether Ireland should make use of prescriptive jurisdiction to extend beyond the country borders was decided in a referendum in 1992. The referendum followed a case of a 14-year-old Irish girl who had sought to obtain an abortion in the UK after being raped, but who was denied this by the High Court. The Supreme court overturned the decision, but left it up to the Irish people to decide on the matter in a referendum (Girvin, 1993).

The referendum on the right to travel to obtain abortions resulted in the amendment of the Protection of Life During Pregnancy Act to include a section securing the right to travel even in cases where the intent of travel is a violation under section 22 – Destruction of unborn human life (Oireachtas, 2013). A second referendum on abortion was also passed in 1992, securing the right to disseminate information about what services are lawful in other states regarding abortion (Girvin, 1993).

Here it must be noted that the right to travel to obtain abortions in another country is not secured for residents of Ireland who are not Irish citizens: Women with Irish citizenship can take advantage of freedom of travel within the UK Common Travel Area with minimal travel documents and no visa restrictions to enter Schengen. For nationals of certain other countries, however, a separate visa is required to enter the UK, and another, separate visa to enter the Schengen zone (Citizens Information, 2016). The fact that circumvention tourism is not an option to obtain legal abortions for all women in Ireland due to visa restrictions or lack of financial means has caused legal scholars to criticize Ireland's legislation to be both discriminatory and irrational. Furthermore, it raises the question whether circumvention tourism is a fair system if it only allows certain people to access rights (Ergas, 2016): "The "rights through travel" approach risks being discriminatory. It favors those with the ability to travel over those whose circumstances restrict their access to information and mobility." (Ergas, 2016, p. 39).

Whether it is morally justifiable or not, abortion tourism from Ireland is happening. The first choice of destination for abortions among Irish abortion tourists is the English city Manchester, which is geographically close and thereby cheaper to get to than other English or Welsh cities (Torney, 2015). A search on July 1<sup>st</sup> in 2017 showed that a round-trip flight with Ryan Air from Dublin to Manchester cost less than 40€ (Ryanair, 2017).

Although we are in an age where traveling is cheaper than ever, having to travel for to obtain an abortion can mean financial hardship for many women. The procedure of an abortion will cost an Irish woman, who is considered a private patient in English and Welsh clinics, between £400 and £2000 (Torney, 2015; About The Women We Help, 2017). In addition of the procedure cost, the travel costs have to be considered as well as the opportunity cost for being away from a job.

To help Irish abortion tourists in financial hardship, volunteer groups such as the Abortion Support Network (ASN) offer Irish women assistance with getting the required funds, and

offer housing and support on a stay in the UK aimed at terminating a pregnancy (Abortion Support Network, 2017). The help group Women on Waves also provides information on their website suggesting low cost airlines like Ryanair and Transavia to the Netherlands or Belgium as methods for keeping costs of abortion tourism low (Women on Waves, n.d.).

This sort of help is not always enough for Irish women, however, who often opt for the cheaper option of obtaining abortion pills online to terminate their pregnancies at home. This creates another type of abortion tourists, however, because help groups like Women on Waves and Women Help Women, where Irish women reportedly often turn to obtain the pills, only ship these to addresses in Northern Ireland. This is because packages sent to Ireland are stopped in the mail. Women from Ireland therefore embark on abortion tourism to Northern Ireland to collect the pills (Boseley, 2016).

The fact that Irish women travel to obtain legal abortions is not a secret in Ireland, and it has been widely discussed throughout the century long debate on abortion legislation.

### 2.3 Drug Tourism from the Perspective of Destination Netherlands

*“The Netherlands’ liberal polices have made it a marijuana Mecca, with tourists coming specifically for the drug culture” (Grether, 2014)*

Contrary to popular belief, cannabis trade and consumption is not legal in the Netherlands. It is, however, tolerated to sell and purchase small amounts, up to 5 grams, at licensed establishments called coffee shops (EMCDDA, n.d.). The sale of cannabis at coffee shops is technically still an offense, but since the government of the Netherlands sees it as a priority to separate cannabis from hard drugs to prevent it from serving as a gateway drug to other substances, the practice is tolerated, and operators of coffee shops are not prosecuted for this offense (Government of the Netherlands, n.d.). In this way, the government aims to create a safe space, especially for young people, to experiment with cannabis products (EMCDDA, n.d.).

The coffee shops, and the opportunity to experiment with cannabis products in what is considered a safe way, has become a tourism phenomenon in the Netherlands. Amsterdam, the website of the official DMO of Amsterdam, provides information on how to enjoy cannabis in the city, and states that 35% of tourists who visit Amsterdam consume cannabis during their stay (Press Officers of the City of Amsterdam, 2014). In addition to the many coffee shops in the city, Amsterdam has developed cannabis related attractions such as the Hash Marijuana & Hemp Museum, the Hemp Hotel, Cannabis College Amsterdam, and the annual Unity Cup (De Josep, 2017).

Not all Dutch cities welcome the drug tourists with open arms, however: some major, Dutch cities like Maastricht and Rotterdam have banned tourists from smoking in their coffee shops. This legal diversity even within the country borders is possible since parts of the drug

legislation is decentralized to the local level (EMCDDA, n.d.). One mechanism to control the number of visitors to coffee shops as well as related nuisance, is the so-called residence criterion that prevents non-residents to access coffee shops: "to combat drug-related crime and nuisance, a new toleration rule was introduced on 1 January 2013: only 'residents of the Netherlands' are permitted to visit coffee shops and purchase cannabis there." (Government of the Netherlands, n.d.)

Whereas Maastricht introduced the rule even before it became national law, local authorities in Amsterdam opposed the resident criterion from the beginning, and decided not to enforce the requirement once it was made up to the municipalities themselves to decide whether they wanted to enforce the mechanism or not (Grether, 2014). The official statement by Amsterdam mayor Eberhard Van der Laan was "Our concern is that if we applied the residence requirement, they (drug tourists) would buy cannabis products on the street," (Waterfield, 2012). Authorities in Amsterdam have reportedly also opposed the ban on drug tourists in fear of loss of revenue from these visitors (Grether, 2014).

### 3 Methodology

#### 3.1 Research Strategy

The research strategy for this thesis is to explore the phenomenon of circumvention tourism through three selected case studies: Case one, prostitution tourism from the perspective of destination country Germany; case two, abortion tourism from the perspective of the tourist country of origin Ireland; and case three, drug tourism from the perspective of destination country Netherlands.

The analysis of these three cases will aim to answer the two research questions: To what extent does circumvention tourism take place in Europe? And in what ways does circumvention tourism impact societies?

The cases were chosen because there exists some extant knowledge of the respective types of circumvention tourism to or from these places, yet not enough to assess the extent or the impacts. Furthermore, selecting one case where the tourist country of origin is studied, Ireland, and two cases where the destination countries are studied, Germany and the Netherlands, allows for an analysis of the impacts facing both the host and guest communities.

It is also a benefit that case one and three are set in countries where the researcher is proficient in the official language (in the case of Ireland, this refers to English, not Gaelic), which eases the analysis and allows the researcher to identify subtle hints in the language that could otherwise get lost in translation.

The research follows a constructivist research paradigm where the ontology is relativist, and the reality of the researcher is believed to be valid and true, yet perhaps different from the

reality of other inquirers. Following a constructivist paradigm, the goal of the research is to create understanding (Jennings, 2015).

## 3.2 Research Method

The research method used to conduct the empirical research for this thesis is qualitative document analysis. Qualitative document analysis consists of the inductive identification of themes through skimming and reading selected documents, and the interpretation of these themes (Bowen, 2009).

### 3.2.1 Selection of Documents

The documents selected for analysis are laws, regulations, and policy papers on the three cases. The step of selecting documents for analysis followed the assessment of existing knowledge, allowing for a critical selection process.

The reason for selecting these documents as units of analysis is threefold: Firstly, choosing government sources for obtaining documents provides the highest level of authenticity, credibility, accuracy, and representativeness possible, an integral part of qualitative document analysis (Bowen, 2009). The authenticity is ensured by selecting original documents for analysis. This allows the documents to reflect the opinions of the time, and opens up for an equally authentic analysis.

In terms of credibility and accuracy, it might be the case that factors such as lobbying by interest groups or opportunistic decision-making by politicians have played a role in the evolution of the laws and policies examined. The identification of, as well as the evaluation of the degree that these potential influencing factors might have influenced the evolution of the laws and policies, is however beyond the scope of this research. While being aware of this limitation, the opinion is defended that the democratic processes of the countries whose laws and policies are analyzed can be deemed incorruptible enough to consider the selected documents sufficiently reliable to give a true account of events leading to decision-making, thereby being of a high degree of credibility and accuracy.

The argument that the documents are representative is based on the assumption that laws, regulations, and policies are the result of a democratic process which reflect, if not consensus of a population, the view held by the majority of citizens in a democracy (Bayertz, 1994).

Secondly, the availability of these documents is an argument for designing the research in this way; availability is one of the greatest advantages of document analysis (Bowen, 2009). For example, whereas documented correspondence between, or interviews with policy makers certainly would have been an appropriate alternative group of documents to analyze for this study, access to these documents is not available to the general public and thereby the use of this thesis. All the documents analyzed in this research, on the other hand, are



readily available online, as they are of public interest, and the institutions making the laws and policies in question have an obligation to be transparent about their practices. Another advantage of document analysis as a research method is that it is cost-effective (Bowen, 2009). The documents analyzed in this paper are available free of charge, an important aspect in a study that does not have funding available. The challenge lies in selecting the appropriate and relevant documents from an immense web of information.

The third argument for choosing document analysis as the method for this research is that it allows to track changes over time: “Bearing witness to past events, documents provide background information as well as historical insight. Such information and insight can help researchers understand the historical roots of specific issues and can indicate the conditions that impinge upon the phenomena currently under investigation.” (Bowen, 2009, p. 29). In this way, if a trend of change over time is discovered, it could potentially reveal something about the future of circumvention tourism.

### 3.2.2 Sources

The documents analyzed in this research are collected from official government websites, and thereby provide the official account of how laws and regulations affecting the researched types of circumvention tourism have evolved over time.

For the first case, prostitution tourism in Germany, there are two sources for the analyzed documents: The first three documents (P1, P2, P3) were collected online from the Parliamentary Material Information System (Dokumentations- und Informationssystem in German, hereinafter DIP), a database administered by the Administration of the German Bundestag. The DIP is one of the administration’s efforts to reach out to the public by making authoritative sources of information available to researchers (Administration of the German Bundestag, u.d.). Its reliability makes it a suitable source for this research. The fourth document was collected online from the Federal Gazette (Bundesanzeiger Verlag in German). The Federal Gazette electronically publishes legal directives and announcements by the Federal Government (Bundesanzeiger Verlag, n.d.), and is thereby a good place to source documents for this research from.

For the second case, abortion tourism from Ireland, the first document was sourced from the UK National Archives who are the official archive and publisher for the UK government and guardians (Gov.uk, n.d.). Document D2 was obtained directly from the websites of the Department of the Taoiseach, and the third document came from the Irish Statute Book. As public entities, all these sources have the obligation to ensure a high quality of their work and are thereby suitable sources for obtaining documents for this research.

Regarding the third case, drug tourism with destination Netherlands, the source of document D1 is the Wetenschappelijk Onderzoek- en Documentatiecentrum (hereinafter WODC), which translated is the Research and Documentation Centre of the Ministry of

Security and Justice of The Netherlands. Based on the description made available on the organization's website, "Its major output is knowledge for the benefit of policy development." (WODC, n.d.). The second document that is analyzed for this case comes from the European level, and was obtained directly from the websites of the European Court of Justice.

This critical assessment of the sources used ensures the best reliability possible for the research, an effort to enhance the quality of the research.

### 3.2.3 Identification of Themes

Following the careful selection process, the documents chosen for the analysis were at first skimmed, and then read repeatedly by the researcher to identify themes in the text. Every document was read at least five, and at up to fifteen times. During this reading process, the researcher noted down concepts that seemed to be prominent in the text, and could reveal something about the extent of, or the impact of the type of circumvention tourism researched in the given case. Once a theme was thought to be detected in one of the documents, the document was read again to pull out quotes that could show to other readers that there was support for thinking there was such a theme present. Then, the researcher would examine the other documents in the same case to determine whether the theme was found in these as well.

Following a constructivist paradigm, it should be noted that the identification of these themes is highly subjective, meaning that which themes are identified is to a high degree influenced by the researcher's experience and expertise in the tourism field. A researcher from a different academic field might have identified other themes as relevant during the same process. Since this research endeavor aims at introducing the framework of circumvention tourism to the tourism literature, this subjectivity is desirable since it offers a unique perspective.

What is identified as a theme can vary greatly from one document to another. A theme can, for example, be the intended effect of a law. Such an intended effect might be to regulate a type of circumvention tourism in a certain way. Even if the intended effect does not directly address circumvention tourism, the interpretation of an identified theme might still prove to be relevant if it appears to influence circumvention tourism. There are also documents included in this analysis that do not mention any aspect of circumvention tourism. It is important to recognize this complete disregard as a theme, since the interpretation of this might show that there is no circumvention tourism taking place where previously assumed, or perhaps that regulation is simply deemed unnecessary. In this way, identifying a theme of disregard may help delineate the scope of, or attitude towards circumvention tourism, an insight of great value to this research.

Themes can also be identified in the format of a document. For example, the author of a document, or the date that the document was written, may be relevant. This is to show that the content of a document is more than the words contained in its pages. To successfully recognize themes, and to allow for a high-quality interpretation of these, it is therefore important to know the context of each document. For this reason, some context is provided for each document.

### 3.3 Limitations and Further Research

The research faces a number of limitations. Firstly, a time constraint of six months caused the research to be limited to three cases. If more time was available, it would have been beneficial to research more cases to establish a wider understanding of different types of circumvention tourism and their similarities, if any. This could help the future management of destinations and travelers who travel for the purpose of evading laws. Basing the research on three cases only limits the number of conclusions that can be drawn about circumvention tourism in Europe in general. Future research should also be designed in a way that it researches the same case from several perspectives, since this research has revealed that analyzing a case from only one side leaves a number of questions unanswered.

As this research has focused primarily on the three cases of prostitution tourism to Germany, drug tourism to the Netherlands, and abortion tourism from Ireland, it does not offer a complete picture of circumvention tourism in Europe. It does, however, open up for a wider discussion on circumvention tourism in Europe since it has shown that the different types of circumvention tourism have things in common. It suggests that the literature would benefit from using the theory of circumvention tourism more widely to gain an understanding of the extent that it is taking place, as well as how to manage it. Further research should therefore include more case studies of other types of circumvention tourism and quantitative studies to gain insight into the numbers of travelers.

Budget limitations also restricted the researcher to rely on research methods that could be carried out from a desk. Visiting destinations to, for example, conduct interviews to triangulate the findings from qualitative document analysis, was not an option since no travel budget was available. Another interesting future study that could help understand the nature of a circumvention tourist would be to research what proportion of circumvention tourists from countries where prescriptive jurisdiction applies to their behavior abroad are aware of this fact, and whether awareness of this would change their behavior.

Although much attention was paid to selecting reliable sources for the analyzed documents, relying on secondary data always limits the research to some extent since the information is not collected specifically for the purpose of the research. Again, triangulating the findings from qualitative document analysis with some primary data collected specifically for this research could have increased the validity of the results.

A language barrier also causes a limitation for case 3, drug tourism in The Netherlands, since the researcher is not proficient in Dutch. If the researcher were proficient in Dutch, one might consider an analysis of the legal texts themselves a better basis for discussion, but this was unfortunately not possible for this research. Official English translations of the legal texts were not available either, so although the researcher can gauge the general context of a text written in Dutch, the understanding of the language is not sufficient for document analysis.

Finally, following a constructivist paradigm makes the findings highly dependent on the time and place, as well as the researcher bias, since the analysis consists of the interpretation of the researcher. Although the position is defended that more than one reality exists, it might be detected in future research that the subjectivity of this research limits the applicability to management of circumvention tourism.

This research has allured to the idea that the reason for engaging in circumvention tourism is different for different types of circumvention tourists as well as different types of circumvention tourism. The reasons to engage in abortion tourism, for example, are very different from prostitution tourism. It should be researched further whether the common denominator, that both are practiced circumventing the laws in their own country, are the determinant attribute when choosing a destination or not.

In general, this research has shown that models and theories that have been used in traditional tourism research, such as Doxey's irridex model, are highly applicable to circumvention tourism. More research from the tourism management perspective should be carried out on this phenomenon to help understand why this is taking place, and how it can be managed. Research on how circumvention tourism affects the image of a destination, for example, could be interesting both to scholars and destination managers. If a controversial type of circumvention tourism is practiced in a place, it could perhaps mean an influx of visitors that are interested in practicing this type of tourism. At the same time, it could dissuade other visitors to the destination if they have moral objections to the type of circumvention tourism and would not like to be surrounded by it, even if visiting the destination for other reasons.

## 4 Analysis

### 4.1 Presentation of Documents

The following section presents the documents selected for analysis. In addition to a brief summary of their content, the context of the documents will be introduced as well as any arguments for why these exact documents are relevant for analysis.

*Table 1 Presentation of analyzed documents*

Number	Title	Date	Lenght	Source
P1	Recommendation for a Decision and Report – Printed Paper 14/7174	17.10.2001	12 Pages	Parliamentary Material Information System (DIP)
P2	Recommendation for a Decision - Printed Paper 18/9036	05.07.2016	8 Pages	Parliamentary Material Information System (DIP)
P3	Report - Printed Paper 18/9080	06.07.2016	12 pages	Parliamentary Material Information System (DIP)
P4	Prostituiertenschutzgesetz 2016 in the Bundesgesetzblatt	21.10.2016	15	Bundesanzeiger Verlag
A1	Offences against the Person Act 1861, section 58 and 59	18.08.1861	2 paragraphs	The National Archives
A2	Fifth Progress Report on Abortion	2000	120 Pages	Department of the Taoiseach
A3	Protection of Life During Pregnancy Act 2013	30.07.2013	19 Pages	Irish Statute Book
D1	Coffeeshops, tourists and the local market	2014	12 Pages	Wetenschappelijk Onderzoek- en Documentatiecentrum
D2	Opinion of Advocate General Bot Case C-137/09	15.07.2010	31 Pages	Court of Justice of the European Union

#### 4.1.1 Documents on Prostitution Tourism

The first document on prostitution tourism, referred to as document P1, is entitled Recommendation for a Decision and Report – Printed Paper 14/7174. This printed paper includes a recommendation for a decision and a report drafted by the Committee for families, seniors, women and youth (13th committee). The printed paper reviews two drafts for a new law regulating prostitution in Germany and recommends the Bundestag to accept the amended version of the Draft Bill of Printed Paper 14/5958 (Gesetzentwurf auf Drucksache 14/5958), while rejecting the Draft Bill of Printed Paper 14/4456 (Gesetzentwurf auf Drucksache 14/4456).

The draft bill that the printed paper recommends the Bundestag to adopt constitutes of one article of a new law regulating the legal situation of prostitutes and a second article accounting for changes in the German criminal code. The third and last article regards the date where the new law is to go into effect (January 1<sup>st</sup>, 2002). The new law is merely one-page long. The Bundestag accepted the recommended bill without changes, so the analysis of this document includes an analysis of the new law.

In the part of the document that makes up the report, the committee further explains the reasons for the changes in law and the need for them. They also request the Federal Government to investigate the impacts of the new law after a period of three years to see what changes should be made.

Furthermore, the report gives an insight to the responses from the different political parties represented at the German Bundestag, and gives an account of their position at the time that this document was drafted. This section is of great value to this analysis as it gives

insight into the thought process of the different delegations, which allows for a better understanding of why the law ended up the way it is. The recommended new law that is presented in the document was accepted by the Bundestag on December 20<sup>th</sup>, 2001.

Document P2 presents the final verdict of the Committee for families, seniors, women and youth (13th committee) on three matters: The Draft bill of the Federal Government of Printed Paper 18/8556 regarding a new prostitution act, the request to strengthen the right to self-determination of Printed Paper 18/7236 and the request to draft a bill to regulate the places of where prostitution can take place of Printed Paper 18/7243. As a solution to the three printed papers, the committee recommends the Bundestag to accept the draft bill of Printed Paper 18/8556 with a few changes. As opposed to the law of 2001, which consists of only three paragraphs, the law of 2016 has 38 paragraphs.

The third document analyzed for the case on prostitution tourism, P3, is the equivalent of the second part of the first document analyzed. As such, it provides background for decisions made regarding the new Prostitution Act and differing opinions which are relevant to the discussion, but are not reflected in the final, adapted law.

The report introduces the goal of the new bill to still be the same as in 2001; to improve the legal and working conditions of prostitutes. However, new thoughts on what regulations are needed to reach these goals have emerged. The evaluation of the original Prostitution Act in 2007 informs this report and the process of designing a new law.

In addition to establishing new regulation to achieve objectives existing in the original Prostitution Act, the law has the objectives of strengthening the sexual self-determination right of prostitutes, and to reduce the incidents of types of prostitution that are considered unfit for the public eye.

The last document to be analyzed for prostitution tourism, document P4, presents the new Prostitution Act of 2016. It is comprehensive with 38 paragraphs, compared to the act of 2001 which was only three paragraphs long. This is an important document to include in the analysis since it is the result of everything that has happened until the point of implementing this law.

#### 4.1.2 Documents on Abortion Tourism

This first document on abortion tourism, document A1, examines the relevant sections of the British Offences Against the Person Act of 1861. The two sections examined, section 58 and 59, are the foundation of abortion regulation in the UK and Ireland. The analyzed sections are short, only two paragraphs, so the number and scope of themes that appear are limited. Although the document is short and much older than the rest of the documents selected for this study, it is important to include since it is the basis for abortion regulation in

Ireland, and it is difficult to understand the whole situation without thorough knowledge of this document.

The second document selected on abortion tourism, document A2, is a report addressing the questions and concerns brought up in the green paper on abortion of 1999. The report includes the presentation of sentiments of citizens of Ireland, as well as interest groups. These opinions were collected to make “a political assessment of certain questions” (Government of Ireland, 2000, p. 7).

The document also reviews the different court rulings on abortion and explains the social impact of these. Furthermore, regulation on abortion from other countries are reviewed. This document provides valuable insight into the political debate regarding abortion in Ireland, and the various opinions of the citizens and interest groups.

The third and final document analyzed for the case on abortion tourism, document A3, repeals sections 58 and 59 of the Offences Against the Person Act 1861 (document A1), among other things. It is the result of many years of debate around the topic of abortion in Ireland, and since it is the current law regulating abortion in Ireland, it is an important document to analyze as it reflects the current legal opinion of the country.

#### 4.1.3 Documents on Drug Tourism

Document D1 is a report that provides insight into the effects of the private club and residence criterion for Dutch coffeeshops. The study that the report is based on was carried out between early 2012 and early 2014 by the WODC, Bureau INTRAVAL and the Bongers Institute of the University of Amsterdam. The longitude of the study allows it to shed light on changes over time. It is also one of the few policy review documents that is available as an official English translation in its entirety, which makes it suitable for this research. Other studies by the WODC were also carried out on this theme, but in the other studies, only a summary of the study or report was made available in English, whereas the complete document remains available only in Dutch.

The second document that is analyzed for the second case on drug tourism is from the EU level. Document D2 is an opinion issued by the Advocate General of the European Court of Justice on the case C-137/09 Marc Michel Josemans v Burgemeester van Maastricht. The case is about Marc Michel Josemans, a local coffeeshop owner in Maastricht, who challenged the forced, temporary closure of his coffeeshop after he admitted non-residents to his establishment after the municipality of Maastricht had made Dutch residency a criterion for admittance to coffeeshops in 2005. Mr Josemans brought the case in front of the European court claiming that the residency criterion is discriminatory to residents of other EU member states. This document thus offers an overview over the attitudes held by the European community on the matter. The conclusion drawn by the Advocate General is

that prohibiting non-residents to coffeeshops in Maastricht is not an infringement on European rights of freedom to provide services.

## 4.2 Results

Through an inductive process of document analysis, several themes were identified in the document. This section will first present the identified themes in the form of a table, and then display the citations supporting each theme, separated into three tables for the purpose of keeping the three cases separate. An interpretation of the themes follows the tables at the end of this section.

*Table 2 Presentation of identified themes*

Number	Title
P1	Safety and wellbeing of prostitutes as main concern
P2	Aim to improve existing law
P3	Concern for foreign prostitutes
P4	Moral pluralism
P5	Influence of laws from other legislations
A1	Abortion is undesirable
A2	Moral pluralism
A3	An unborn child is considered a person
A4	Abortion tourism
D1	Drug tourism is deemed undesirable
D2	Drug tourism is deemed desirable

### 4.2.1 Findings on Prostitution Tourism

The table below shows the citations supporting the themes identified in each document that belongs to the case of prostitution tourism in Germany.

*Table 3 Findings on prostitution tourism*

Document	Theme	Citation	Exact source
P1: Recommendation for a Decision and Report – Printed Paper 14/7174	P1: Safety and wellbeing of prostitutes as main concern	“A law suggestion for the improvement of the legal and social situation of prostitutes”	Suggested title of Printed Paper 14/5958 (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 1)
		“prostitutes do not have access to legal health insurance and unemployment insurance and usually not to pension insurance either.”	Description of problem addressed in Printed Paper 14/5958 (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 1)
		“The draft shall abolish the discrimination of persons, who render sexual services.”	Description of problem addressed in Printed Paper 14/4456 (Beschlussempfehlung



			und Bericht. Drucksache 14/7174, 2001, p. 1)
		“In the case of prostitutes, the restricted right of instruction in the context of a dependent activity does not preclude the acceptance of employment in the sense of social insurance law.”	Proposed law, article 1, paragraph 3 (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 4)
	P2: Aim to improve existing law	“In terms of criminal law, providing advantageous working conditions for prostitutes it considered promotion of prostitution §180a Criminal Code. The draft wants to abolish these disadvantages”	Description of problem addressed in Printed Paper 14/5958 (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 1)
		“§180a section 1 number 2 is deleted without replacement”	Proposed law, article 2 “Changes in Criminal Code” (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, pp. 4,5)
	P3: Concern for foreign prostitutes	“§46 Nr. 3 (Expulsion for violation of the provisions on employment) in the Alien Act shall be deleted.”	Description of law proposed in Printed Paper 14/4456 (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 6)
		“[the draft] still does not specifically address groups in special need such as foreign prostitutes”	Position of CDU/CSU (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 8)
		“it lacks a necessary change in the Alien Act”	Position of PDS (Beschlussempfehlung und Bericht. Drucksache 14/7174, 2001, p. 9)
	P2: Recommendation for a Decision - Printed Paper 18/9036	P1: Safety and wellbeing of prostitutes as main concern	“The federal government is asked to make a concrete list of measures which guarantee the right of self-determination of sex workers, improves working conditions and counteracts stigma.”
		P2: Aim to improve existing law	Description of problem addressed in Printed Paper 18/7236 (Beschlussempfehlung. Drucksache 18/9036, 2016, p. 2)
		P3: Concern for foreign prostitutes	Recommendations (Beschlussempfehlung. Drucksache 18/9036, 2016, p. 8)
		“The German Bundestag calls on the Federal Government to work towards the fact that both the Federation of Health Insurance Funds and the Association of Private Health Insurance provide easy - to - understand information on the importance and the possibilities for obtaining a	Recommendations (Beschlussempfehlung. Drucksache 18/9036, 2016, p. 7)

		health insurance for persons working in prostitution in the most used languages”	
P3: Report - Printed Paper 18/9080	P2: Aim to improve existing law	“the in the year 2007 presented report of the Federal government of the impacts of the Prostitution Act of December 20 <sup>th</sup> 2001 has shown, that only part of the expectations of the law were fulfilled”	(Bericht, 2016, p. 2)
		New elements to the law: “Compulsory registration”, “Compulsory wearing of condoms” “Authorization requirement for operating prostitution facilities” “Monitoring authority, control and surpassing rights for the responsible authorities”	(Bericht, 2016, pp. 3, 4)
		“One will want to monitor the effects of the law closely, and later the evaluation of the law, from questions to evaluation, should be actively followed by the members of the German Bundestag”	(Bericht, 2016, p. 8)
		“The measures taken should be evaluated on a regular basis, at least in intervals of three years. To provide an informed basis for decisions, studies should be carried out that provide insight into the impacts of the measures”	Position of the Fraction of DIE LINKE (Bericht, 2016, p. 5)
		“It is considered important to evaluate the impacts of the law after five years of enforcement”	Position of the fraction of the SPD (Bericht, 2016, p. 9)
	P3: Concern for foreign prostitutes	“It is also feared that these sensitive data could be stolen, which would endanger many foreign prostitutes, in particular, because their activities are often punished with imprisonment in their countries of origin.”	Position of the fraction DIE LINKE (Bericht, 2016, p. 8)
		“The Federal Government is asked to ensure that the GKV-Spitzenverband and the Verband der Privaten Krankenversicherung prepare easily comprehensible information material on the German health insurance system in common languages so that they can be passed on in the consultations”	Position of the fraction of the SPD (Bericht, 2016, p. 9)
	P4: Moral pluralism	“Likewise, it is rightly stated that no reliable figures are available on Prostitution.”	Position of the fraction DIE LINKE (Bericht, 2016, p. 8)
		“The registration obligation and the registration means for a lot of the sex workers that they are possibly facing a "forced outing"”	Position of the fraction DIE LINKE (Bericht, 2016, p. 8)
		“The fraction COALITION 90/DIE GRÜNEN explained that the aimed goal of the draft bill, to	Position of fraction 90/DIE GRÜNEN (Bericht, 2016, p. 9)

		strengthen and protect prostitutes, was missed by a large margin”	
		“In case they (The prostitutes) are not able to do the obligatory registration, they are less protected than before, and their living situation will not be improved”	Position of fraction 90/DIE GRÜNEN (Bericht, 2016, p. 9)
		“It is unrealistic to believe that a prostitute will volunteer information about her situation or work conditions, or whether she has been coerced into prostitution in the frame of a mandatory counseling session.”	Position of fraction 90/DIE GRÜNEN (Bericht, 2016, p. 10)
	P5: Influence of laws from other legislations	Incorporation of the EU Directive 2011/36/EU of the European parliament on “preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA” .	Letter b (§ 5 Section 2 Number 4 and 5) (Bericht, 2016, p. 10)
			Letter c (§ 9 Section 2 Number 2) (Bericht, 2016, p. 10)
			Letter f (§ 23 Section 3 Number 2) (Bericht, 2016, p. 11)
			Letter g (§ 25 Section 1 Number 3) (Bericht, 2016, p. 11)
P4: Prostschgesetz 2016	P1: Safety and wellbeing of prostitutes are the main concern	“At the time of registration, an information and counseling conversation is to be held”	§7, number 1 (Bundesgesetzblatt, 2016, s. 2374)
		“At the time of the first registration, proof of a no longer than three months old health check is to be shown”	§4, number 3 (Bundesgesetzblatt, 2016, s. 2373)
		“The certificate of registration may not be granted if 1. The requirements stipulated in §4 are not available, 2. The person is below the age of 18 3. The person is a mother to be and in the last six weeks before term at the time of registration .....”	§5, number 2 (Bundesgesetzblatt, 2016, s. 2374)
		“customers of prostitutes as well as prostitutes have to make sure that condoms are used during intercourse”	§32, number 1 (Bundesgesetzblatt, 2016, s. 2382)
		Fines are prescribed to “customers who fail to make sure that a condom is being used”	§33 Fines, number 1 (Bundesgesetzblatt, 2016, s. 2382)
	P2: Aim to improve existing law	“Section 3: Allowance to operate a prostitution business; matters related to obligatory registration” Comprehensive laws regulating brothels so it benefits primarily the prostitutes, and the owners of brothel only second	§12-23 (Bundesgesetzblatt, 2016, ss. 2376-2380)
		The new Prostitution Act does not permit someone to operate a brothel if they have served	§15 (Bundesgesetzblatt, 2016, s. 2377)

		a sentence for a number of crimes, including human trafficking, the last 5 years. The brothel operator must be “trustworthy”.	
		There are new requirements of what a brothel or any other facility offered to carry out prostitution must have. For example, it must have an emergency button in every room where prostitution is taking place.	§18, section 1, number 2 (Bundesgesetzblatt, 2016, s. 2378)
		Rules are established for what a brothel operator must offer. Among other things, a brothel operator has to make sure that there are enough condoms, lube, and hygiene articles available in the brothel at all times.	§24 (Bundesgesetzblatt, 2016, s. 2380)
		Separate sections regulating “prostitution vehicles” – vehicles that are intended for being “brothels on wheels”.	§12 (Bundesgesetzblatt, 2016, s. 2376)
		Prostitution Act determines that information that is being collected about prostitutes can be used for research. This can only happen if conditions regarding the safeguarding of prostitutes whose information is used are met.	§34 and 35 (Bundesgesetzblatt, 2016, ss. 2383-2384)
		Another evaluation of the law is ordered to be carried out in 2022, to evaluate the effects of this law and to identify needs for improvement	§38 (Bundesgesetzblatt, 2016, s. 2385)
	P3: Concern for foreign prostitutes	At the mandatory registration as a prostitute, the prostitutes now have to register their nationality.	§3 (Bundesgesetzblatt, 2016, s. 2373)
		If the nationality does not allow them free movement of people/services, they have to prove that they are allowed to work in Germany.	§3 (Bundesgesetzblatt, 2016, s. 2373)
		Can’t grant the registration if there is reason to believe that the prostitute was brought into prostitution as a way to take advantage of his/her vulnerability connected to being new in a country	§5 (Bundesgesetzblatt, 2016, ss. 2373-2374)
		During the registration process, all prostitutes are given certain information about their rights and duties connected to this job. It is specified that this information has to be provided to the prostitutes in a language they understand.	§7 (Bundesgesetzblatt, 2016, s. 2374)
		the license to be in charge of a brothel on someone else’s behalf is to be revoked when the person should have known that a prostitute was brought into prostitution as a way to take advantage of his/her vulnerability connected to being new in the country.	§23 (Bundesgesetzblatt, 2016, s. 2379)

		a brothel owner cannot employ a prostitute to work at the brothel if there is reason to believe that the prostitute was brought into prostitution as a way to take advantage of his/her vulnerability connected to being new in the country	§25 (Bundesgesetzblatt, 2016, s. 2380)
--	--	---	---

#### 4.2.2 Findings on Abortion Tourism

The table below presents the citations in support of the various themes identified in the documents belonging to the second case, abortion tourism.

*Table 4 Findings on abortion tourism*

Document	Theme	Citation	Source
A1: Offences against the Person Act 1861, section 58 and 59	A1: Abortion is undesirable	Any woman who attempts to procure an abortion on herself “shall be guilty of felony”	(Offences Against the Person Act 1861, 1861, p. 832)
		Any person who aids a woman to procure an abortion “shall be guilty of a misdemeanor”	(Offences Against the Person Act 1861, 1861, p. 832)
	A2: Moral Pluralism	No evidence for this theme	
	A3: An unborn child is considered a person	Abortion categorized as “offense against the person”	Title of Act (Offences Against the Person Act 1861, 1861)
	A4: Abortion tourism	No regulation on the matter	
A2: Fifth Progress Report on Abortion	A1: Abortion is undesirable	Chapter 6 “Reducing the rate of abortion” entirely devoted to reducing abortion	(Government of Ireland, 2000, pp. 93-112)
	A2: Moral Pluralism	“diverging judgments were delivered in the X decision”	(Government of Ireland, 2000, p. 11)
		“A significant body of opinion has expressed dissatisfaction with the current position resulting from the X decision.”	(Government of Ireland, 2000, p. 11)
		“The majority of those individuals who made submissions are totally against abortion”	(Government of Ireland, 2000, p. 13)
		“Contemporary reports suggest that the amendment was opposed by some who objected to the recognition in the Constitution of the principle of termination of the life of the unborn and was opposed by others who objected to the restrictions imposed by the proposal.”	(Government of Ireland, 2000, p. 26)
		“A huge number of the written submissions received by the committee outline religious, philosophical and human rights objections to abortion”	(Government of Ireland, 2000, p. 30)
		Different views presented by medical professionals on the cases of unwanted pregnancies as a result of rape or	(Government of Ireland, 2000, pp. 61-62)

		incest. 5 doctors spoke out in favor of abortions in these cases, whereas 5 spoke against it	
		On allowing abortions on the grounds of foetal abnormalities "That is an enormous and seismic shift in this country if such a law were to be allowed" while it is known that women travel for this exact reason (page 63)	(Government of Ireland, 2000, p. 64)
		Discussing other forms of abortion tourism: "either in this country or by way of referral to a special unit overseas, for the termination of an anencephalic foetus"	(Government of Ireland, 2000, p. 64)
		Medical criticism of abortion tourism: "Some of these women will take the option of travelling abroad. Many in our profession would consider that regrettable because they often travel to places where the pregnancy is terminated, where no post-mortem or autopsy is done on the baby and, therefore, the ability to counsel that woman on subsequent pregnancies is reduced."	(Government of Ireland, 2000, p. 66)
		Medical criticism of abortion tourism: "we've no idea what kind of psychological morbidity follows in many Irish women who go for abortion because they drop out of sight once they've had their terminations."	(Government of Ireland, 2000, p. 67)
		Medical criticism of abortion tourism: "The unfortunate scenario at the moment is that women with abnormalities go to units in the United Kingdom ... most of which do not perform an autopsy on the baby so the pathology back-up for subsequent counselling, indeed the psychological support of that woman, is also lacking in these institutions."	(Government of Ireland, 2000, p. 67)
		Views of different representatives of the religious bodies in Ireland were collected, expressing moral pluralism	(Government of Ireland, 2000, pp. 69-84)
		Explaining that women obtaining abortions struggled with "moral ambivalence": "this process was often accompanied by ambivalence in relation to the moral aspects of their decision and fears about regrets in the future"	(Government of Ireland, 2000, p. 90)
	A4: Abortion tourism	"The numbers travelling abroad for abortion has occasioned considerable comment and concern."	(Government of Ireland, 2000, p. 11)
		On the X case: "The girl and her parents decided that the best course of action was to travel to England to procure an abortion."	(Government of Ireland, 2000, p. 23)
		"Notwithstanding the very fundamental nature of the right to travel and its particular importance in relation to the characteristics of a free society, I would be forced to conclude that if there were a stark conflict between the right of a mother of an unborn child to travel and the right to life of the unborn child, the right to life would necessarily have to take precedence over the right to travel."	(Government of Ireland, 2000, p. 24)

		On the 13 <sup>th</sup> Amendment: “Accordingly, constitutional provisions relating to the unborn cannot be invoked to restrict travel.”	(Government of Ireland, 2000, p. 26)
		“The reality the committee encountered was that there was great concern among many about the need for a referendum to meet a legal danger and regret on all sides that constitutional and legislative changes in Ireland, however laudable, would have no impact on the reality of Irish abortion: the flood of Irish women seeking abortions in England.”	(Government of Ireland, 2000, p. 35)
		“approximately fifty women out of the total number who travelled to the UK for terminations did so for foetal abnormalities”	(Government of Ireland, 2000, p. 63)
		“There is evidence that Irish women have for many years travelled abroad for abortions. However with the introduction in England and Wales of the Abortion Act 1967, Irish women have been travelling there in increasing numbers. From 1970 to 1998 almost 95,000 women who had abortions in England and Wales gave Irish addresses. However it is often speculated that the real figure may be higher insofar as some Irish women may give British addresses for reasons of confidentiality.”	(Government of Ireland, 2000, p. 85)
		“In many clinics, Irish women tend to have their abortions on certain days to avail themselves of cheaper flights.”	(Government of Ireland, 2000, p. 91)
		Position of committee: no change on the right to travel discussed	(Government of Ireland, 2000)
A3: Protection of Life During Pregnancy Act 2013	A1: Abortion is undesirable	“It shall be an offence to intentionally destroy unborn human life”	(Protection of Life During Pregnancy Act 2013, 2013, p. 18)
	A2: Moral pluralism	Section 17: “Conscientious objection” allows for medical professionals who object to any of the procedures to refer the patient to another practitioner – this accounts for dissenting opinions among medical professionals	(Protection of Life During Pregnancy Act 2013, 2013, p. 15)
	A3: An unborn child is considered a person	Aim of Act is to: “protect human life during pregnancy”	(Protection of Life During Pregnancy Act 2013, 2013, p. 5)
		Definition of “unborn”: ““unborn”, in relation to a human life, is a reference to such a life during the period of time commencing after implantation in the womb of a woman and ending on the complete emergence of the life from the body of the woman;”	(Protection of Life During Pregnancy Act 2013, 2013, p. 7)
	A4: Abortion tourism	Section 18: (1) Nothing in this Act shall operate to limit the freedom— (a) to travel between the State and another state, or (b) to obtain or make available in the State, in accordance with conditions for the	(Protection of Life During Pregnancy Act 2013, 2013, p. 15)

		time being laid down by law, information relating to services lawfully available in another state. (2) Nothing in this Act shall operate to restrict any person from travelling to another state on the ground that his or her intended conduct there would, if it occurred in the State, constitute an offence under section 22.	
--	--	--	--

### 4.2.3 Findings on Drug tourism

Below is a table presenting the citations in support of the themes identified in the two documents analyzed for the third case, drug tourism.

*Table 5 Findings on drug tourism*

Document	Theme	Citation	Source
D1: Summary and Conclusions; Coffeeshops, tourists and the local market	D1: Drug tourism is deemed undesirable	"By tightening the coffeeshop policy, the government sought to [...] reduce the number of foreign visitors attracted by Dutch policy"	(van Ooyen-Houben & D.J. Korf, 2014, p. 2)
		"Eleven of the fifteen municipalities in the sample have incorporated the residence criterion in their coffeeshop policy/enforcement arrangement, the other four municipalities have not."	(van Ooyen-Houben & D.J. Korf, 2014, p. 4)
		About the municipalities that actively enforce the residence criterion policy "They do so because they wish to retain the positive effects of the residence criterion in 2012 – keeping away the drug tourists"	(van Ooyen-Houben & D.J. Korf, 2014, p. 4)
		"People who live close to coffeeshops experience various types of nuisance that they associate with soft drugs: the nuisance caused by (foreign) coffeeshop customers,[...], by drugs tourists [...]"	(van Ooyen-Houben & D.J. Korf, 2014, p. 6)
		"Some effects were intended in advance, such as the sharp decline in drug tourism."	(van Ooyen-Houben & D.J. Korf, 2014, p. 10)
	D2: Drug tourism is deemed desirable	On municipalities that chose not to enforce the residence criterion policy: "closing down the coffeeshops that contravene the policy would lead to street dealing and nuisance and hence demand more policy effort and capacity. Finally, they do not enforce the policy because the nuisance caused by returning non-residents has remained limited"	(van Ooyen-Houben & D.J. Korf, 2014, p. 4)



		Prohibiting access to coffee shops proved to push drug tourists to the illegal market: “The illegal cannabis market flourished not only because of the drugs tourists who were prohibited from visiting coffeeshops and then started buying cannabis outside the coffeeshops much more frequently.”	(van Ooyen-Houben & D.J. Korf, 2014, p. 9)
		Prohibiting drug tourism to coffee shops resulted in more illegal activity with a negative effect on the local economy: “The sale of cannabis to drugs tourists resulted in an illegal source of income for a growing number of adolescents and young adults.”	(van Ooyen-Houben & D.J. Korf, 2014, p. 9)
<b>D2:</b> Opinion of Advocate General Bot Case C-137/09	<b>D1:</b> Drug tourism is deemed undesirable	“The Council Resolution of 29 November 1996 10 clearly identified the drug tourism problem within the European Union and laid down the first measures to address that phenomenon”	(Opinion of the Advocate General, 2010, p. I)
		“Subsequently, under a Joint Action of 17 December 1996, 11 the Member States reaffirmed their common determination to put an end to illegal drug trafficking, in particular the illegal demand for drugs and the enormous profits from the illegal trade and drug tourism.”	(Opinion of the Advocate General, 2010, p. I)
		“The Kingdom of the Netherlands is also attempting to respond to the problems caused by the cross-border repercussions of its policy and to reduce the public order and security problems caused by the sizeable and growing influx of drug tourists in its territory,”	(Opinion of the Advocate General, 2010, p. I)
		“it is a pilot measure 37 by which the municipality is attempting to reduce drug tourism and all the ensuing nuisances.”	(Opinion of the Advocate General, 2010, p. I)
		On the phenomenon of drug tourism: “The phenomenon causes considerable problems in the Netherlands and, in particular, in its border regions, even constituting an ‘unacceptable encroachment on the residence and living situation’ of residents.”	(Opinion of the Advocate General, 2010, p. I)
		“However, drug tourism also causes serious problems for European Union public order.”	(Opinion of the Advocate General, 2010, p. I)
	<b>D2:</b> Drug tourism is deemed desirable	Mr Joseman in case C-137/09 clearly wishes to have non-residents as customers at his coffee shop	(Opinion of the Advocate General, 2010, p. I)
		The financial benefits of selling cannabis at a coffee shop, compared to other products: “Whilst the turnover generated by the Easy	(Opinion of the Advocate General, 2010, p. I)

		Going coffee shop from the sale of cannabis for the first quarter of 2010 was EUR 10 million, that figure for the sale of small-scale catering products is EUR 552 400 [...] it seems clear that after travelling tens or even hundreds of kilometres to Maastricht, a tourist will enter a coffee shop to purchase hashish or marijuana rather than to drink tea [...]”	
--	--	--	--

#### 4.2.4 Interpretation of Themes

A strong theme which was repeated throughout all the components of Document P1 was that the aim of this new law would be to increase the safety and wellbeing of prostitutes, referred to as P1, safety and wellbeing of prostitutes is the main concern. It was a main reason to make a new law that prostitutes did not have access to insurance, which was a result of the old law not recognizing prostitution as a profession. Recognizing prostitution as a profession, and thereby granting prostitutes access to insurance, was one of the first changes to be included in the new law.

Theme P1 was found in all analyzed documents on prostitution, although the notion of what is conducive to safety and wellbeing was observed to have changed from the first Prostitution Act in 2001 to the Prostitution act of 2016. In the discussions of the new act of 2016, for example, new elements are discussed as important such as the self-determination and mandatory health checks and counseling.

Another theme in prostitution was P2, the aim to improve existing law. This theme was identified through the attention to the effect that the law implemented at the time had, which were working contradictory to its intention. For example, strict rules against promoting prostitution, which were aimed at preventing the increase of prostitution, had the effect of preventing prostitutes to access venues with higher sanitary and safety standards (such as high-end brothels or FKK clubs), with the result of more prostitutes practicing in less safe and sanitary places, for example private apartments. This issue of the law not having the intended impacts was addressed by proposing the new law to specify that providing nice and safe spaces for prostitutes, such as FKK clubs and brothels, would no longer be considered promotion of prostitution, and thereby fall under the legal side of third party involvement.

Theme P2 continues throughout the other documents on prostitution. The reason for recommending the draft bill in 2016 is that it addresses all the issues that arose from the investigation report from 2007, which was the result of the investigation that was recommended to be carried out after two years of the original Prostitution Act of 2001.

Since the new draft bill is a result from the investigation of the impact of the earlier Prostitution Act, it is also safe to say that the theme of addressing the effects of earlier laws continues.

In the section of the report where the opinions of the various political parties were collected, some interesting themes appeared that otherwise might have been overlooked if only the final law text had been analyzed: The political party CDU/CSU critiqued the lack of attention to especially vulnerable groups such as prostitutes who are not German nationals. This theme is referred to as P3, concern for foreign prostitutes. Similar to the critique from the CDU/CSU, the political party FDP critiqued the lack of change in regulation of the German Aliens Act to address the legal situation of immigrant prostitutes. According to Oppermann (1999), women who are temporarily visiting a place to work as prostitutes, can also be considered prostitution tourists. Because these prostitutes can be considered prostitution tourists, theme P3 is especially interesting for this analysis.

Furthermore, in support of theme P3, the rejected Draft Bill of Printed Paper 14/4456 was concerned with the legal status of non-German women who would travel to Germany on a tourist visa and start working as prostitutes. The proposal suggested to regulate this matter by giving prostitution the same legal status as other professions, thus allowing for women from other EU member states to register as prostitutes and thereby get access to the German welfare system right from the day they enter Germany. Since this proposal was rejected, it is not reflected in the law, but it is highly relevant to know that this issue has been on the mind of German politicians for such a long time.

Theme P4, moral pluralism, shows that the laws that went into force are not supported fully by all the political parties involved. This theme is especially prominent in the report part of document P1 and document P3, which is the comparable component of the Prostitution Act of 2016. It is important to be aware of this theme since it can potentially help explain different attitudes towards prostitution tourism that are not to be expected if one believes the law to reflect a consensus about the topic in Germany.

Another theme that was identified in the case of prostitution tourism is that the German laws have been influenced by other legislations: P5, influence of laws from other legislations. This theme was detected whenever other regulations are incorporated into the German Law, such as EU directives. In some instances, this is evidence of coercion, a possible legal impact of prostitution. In other cases, like when the discussion simply refers to what is going on in other countries, it points to the learning mechanism taking place. It is important to note that the identification of this theme is merely in regard to prostitution legislation, no coercion is detected regulating prostitution tourism specifically.

Now moving on to the themes that were identified in case two, abortion tourism. Throughout all three documents, there is a strong theme suggesting that it is a widely held

opinion that abortions are undesirable. This is referred to as theme A1, abortion is undesirable. In document A1, there is no discussion whether abortion is undesirable, but it appears as if there is a clear consensus that it is indeed undesirable, and it is manifested that it should be illegal. In document A2, different opinions are heard on whether abortion should be legal or not, but a whole chapter is devoted to finding measures that can be taken to prevent abortions, mostly by preventing crisis pregnancies. Document A3 shows that despite the public debate, which document A2 is a testament of, the position stands that abortion should be illegal in most circumstances, and hence, is undesirable. The different approaches of the three documents suggest that there has been a change in attitude over time, and it would be interesting to investigate whether this theme would still be detected in future research.

The second theme detected in the case of abortion tourism was theme A2, moral pluralism. It is interesting to note that both case one and case two showed evidence of moral pluralism. Whereas moral pluralism was not detected in document A1, it is a strong theme throughout document A2 and A3: While two sections suffice to regulate the matter of abortion in document A1, A3 is a detailed Act regulating many differentiated aspects of abortion. Furthermore, document A1 leaves no room for arguments whether abortion is lawful under any circumstance, while document A2 is more ambiguous on the matter. Document A2 makes it clear that people have very different opinions on the topic in Ireland, and even groups or individuals who agree on the legal limits disagree on the justification for these.

Another theme that was detected in all three documents was A3, the theme of the unborn fetus being considered a person. This theme is the strongest in the two legal documents: documents A1 and A3. This theme is important for the legal discussion on this topic, since countries arguably have a greater responsibility to protect their citizens than anything else. If another country does not have the same definition of a person, it can be very difficult to evaluate under which circumstances murder is taking place, and in which cases abortion is simply a medical procedure, raising the question of what the appropriate response from Ireland would be in each case.

Whereas travel to obtain an abortion in another country where it is legal (abortion tourism) is not mentioned in document A1, it is widely discussed in A2 and regulated in document A3 under theme A4, abortion tourism. Many of the quotes supporting this theme show that groups or individuals in Ireland find it problematic that abortion tourism is taking place. Some find it problematic because they find it to be undermining Irish sovereignty to regulate abortions, while others use it as an argument to liberalize the law in Ireland, since abortions will happen one way or the other.

The lack of regulation of the matter in document A1 might suggest that traveling to another country to obtain an abortion was not feasible for Irish women in 1861. It could however

also mean that abortion tourism took place, but that it was not known to law enforcement, or that a blind eye was turned.

In case three, drug tourism in the Netherlands, a strong theme that emerged in the analysis is that some stakeholders deem drug tourism as undesirable, referred to as theme D1. The prominence of the word “nuisance” in document D1 is the first indicator that the nuisance associated with the large amounts of coffee shop visitors is something that is taken issue with. It should be noted that only some of the stakeholders represented in the documents express that they find drug tourism undesirable. These stakeholders are found to be the local authorities of the southern provinces of the Netherlands, the neighbors of coffee shops in southern provinces, and the European Community.

A complete opposite of theme D1 is theme D2. The remaining stakeholders represented in the documents seem to express concern for restrictive policies, and welcome drug tourism. These stakeholders are local authorities in the northern provinces of the Netherlands, and coffee shop owners.

### 4.3 Discussion

The following section will discuss the findings of the research and relate them to concepts discussed in the literature review chapter. At first, it will discuss the insights the research provided to determine the extent of circumvention tourism in Europe to answer the research question; to what extent does circumvention tourism take place in Europe?

An assessment of the various impacts of circumvention tourism will follow, answering the question; In what ways does circumvention tourism impact societies?

#### 4.3.1 Extent of Circumvention Tourism in Europe

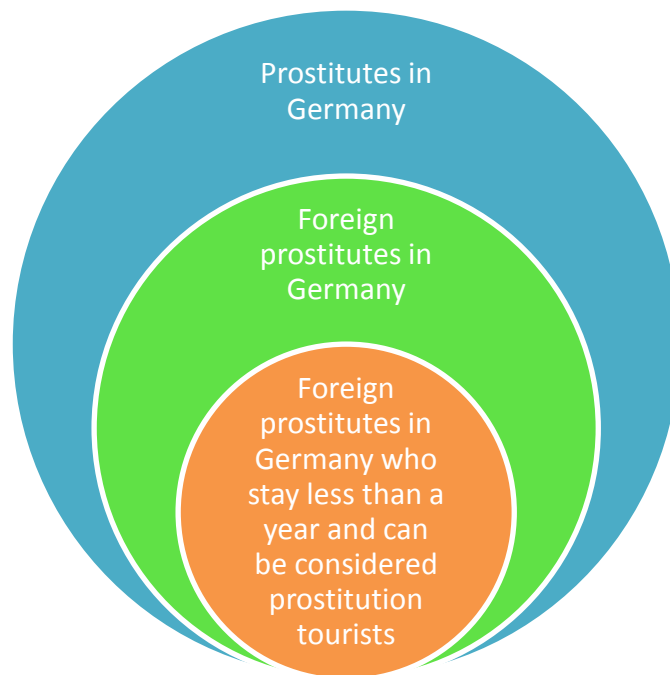
The research on case one, prostitution tourism with destination Germany, has shown that prostitution regulation in Germany has undergone major changes from the first prostitution act of 2001 to the current prostitution act of 2016. In these 15 years, Germany has experienced an increase in prostitution tourism, as shown by observations made on internet forums like [internationalsexguide.info](http://internationalsexguide.info) and media reports on places like the border town Saarbrücken (PolarWolf, 2011; Rohrbeck, 2014; The International Sex Guide, 2017).

The increase in prostitution tourism can partially be explained by the liberalization of laws in Germany combined with further restrictions on prostitution being implemented in the neighboring France, as well as generally stricter regulations elsewhere in Europe. This means that there is legal diversity on the subject, a situation that, combined with free movement of people and services in the single market, is known to previously have prompted other types of circumvention tourism, such as CBRC (Hoof, Pennings, & Sutter, 2016).

Liberalization of prostitution regulation in Germany is not the only explanation for the increase in prostitution tourism, however. Theme P3, concern for foreign prostitutes, hints

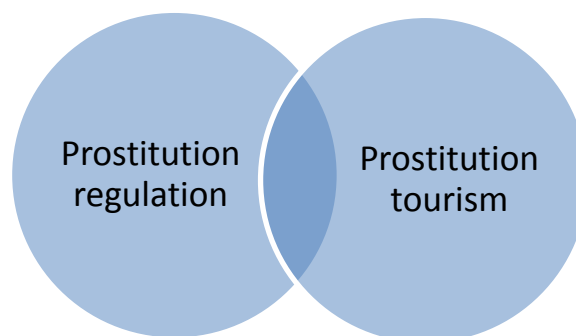
to an increased number of foreign prostitutes who travel to Germany to meet the demand there. This phenomenon is claimed to be caused by social inequality in the EU following the Eastern Enlargement of the EU (Kavemann, Rabe, & Fischer, 2007). If the stay in Germany is of a temporary nature, these prostitutes may also be considered prostitution tourists (Oppermann, 1999). Some would argue that these prostitutes cannot be considered tourists, since their purpose of travel is work, but since the UNWTO definition of tourism specifically states that “*Tourism refers to the activity of visitors*” (UNWTO, 2014, p. 10) and “*A visitor is a traveller taking a trip to a main destination outside his/her usual environment, for less than a year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited. A visitor (domestic, inbound or outbound) is classified as a tourist (or overnight visitor), if his/her trip includes an overnight stay, or as a same-day visitor (or excursionist) otherwise*” (UNWTO, 2014, p. 13). Prostitution in Germany is regulated in a way that prostitutes can only work as freelancers, and never as employees under a contract (Ausschusses für Familie, Senioren, Frauen und Jugend (13. Ausschuss), 2016). In effect, this means that they can still be considered tourists if their stay is less than a year. The smallest circle in figure 5 below illustrates the group of prostitutes that can be considered prostitution tourists in Germany.

*Figure 5 Part of prostitutes that are considered prostitution tourists*



Other than the concern for foreign prostitutes, however, the research did not find the prostitution regulations to be directly concerned with prostitution tourism, but merely prostitution in general. The overlap of what parts of prostitution regulation affect prostitution tourism, as it can be seen in the venn diagram below, is therefore quite small.

*Figure 6 Proportion of prostitution regulation that affects prostitution*



Theme P2, aim to improve existing law, shows that Germany is very interested in assessing the effect of their laws, and assign great resources to conduct studies and reviews on the matter. This leads to the recommendation to include an assessment of prostitution tourism as part of future studies. As a result of the new regulations of 2016, data on how many prostitutes are working as prostitutes, and their nationality will be collected. This data will be of great value to researchers who will for the first time have reliable numbers to base their research on. This data will also be a good step towards further answering the question to what extent prostitution tourism is taking place. Whether these numbers will suffice to map the demand side of the equation, however, is yet to be seen. For research on

circumvention tourism, it would of course be of great interest to know what proportion of prostitution customers in Germany are visitors to the country, but data collection for this purpose is not (yet) part of the policies.

For case two, abortion tourism from the perspective of visitor country of origin Ireland, some numbers are available on how many Irish women obtained abortions in the UK and registered with an Irish address (Torney, 2015): between 2010 and 2015, nearly 25000 women from Northern Ireland and Ireland traveled to England and Wales alone to terminate pregnancies (Torney, 2015). No numbers exist, however, on the number of Irish women who obtain an abortion in the UK with a non-Irish address, or who travel to countries other than the UK for the procedure. The women who reportedly travel to Northern Ireland to receive abortion pills sent to an address there are also not accounted for. It is therefore difficult to speak to the extent that this phenomenon is taking place in terms of numbers.

No matter the number of abortion tourists, however, theme A4 shows that the phenomenon is impactful enough to cause debate in Ireland. Some individuals and groups represented in document A2 express their concern about abortion travel for various reasons: Medical professionals argue that it is unfortunate that abortions, which would happen in Ireland if the law allowed it, are taking place outside of Ireland because it means that Irish doctors are not able to provide the same level of care for the women who are having these abortions. They are also concerned that they are not able to perform autopsies on abortions carried out due to fetal abnormalities, thereby missing out on the opportunity to counsel the women having the procedure, as well as understanding the scope that this procedure (Government of Ireland, 2000). Other groups and individuals in the progress report also voice their concerns about abortion tourism as they find it is not reconcilable with Irish values and Irish law (Government of Ireland, 2000). This could indicate that Ireland is experiencing globalization anxieties on this matter, as they feel that globalization is a threat to their national identity and sovereignty. Experiencing globalization anxieties could also explain why they are enforcing the strict prohibition on abortion, since it can serve as a tool to show that Ireland has the ability, and is willing to preserve Irish values (Mattson, 2016).

If strict abortion laws are the result of globalization anxieties, however, it does not explain why Ireland is not taking steps to prevent abortion tourism, which can be considered a way of undermining Irish national sovereignty. From an intellectual standpoint, it is illogical why Ireland would enforce restrictive prohibitions on abortion only territorially if it, as shown in theme A3, consider the unborn child an Irish citizen whose interest they should protect. An answer to this can be found in theme A2, moral pluralism, which indicates that the views on abortion in Ireland vary to such a degree, that no clear stand for or against legalizing abortions will represent all Irish citizens.

Theme A2 supports the argument of Pennings (2002) that circumvention tourism can serve as a tool to prevent conflict between the majority of a society who enforce one set of rules,



and the minority of the same society who think they have the right to restricted services. It explains why Ireland does not take steps to restrict abortion tourism taking place. The main conclusion drawn from the case of abortion tourism from the perspective of visitor country of origin Ireland is that the current legal situation is a result of strong moral pluralism in the country. Allowing circumventive abortion tourism is a way to accommodate the minority view that legal abortions should be accessible. It is a compromise that allows Ireland to keep their restrictive abortion prohibitions in place since it diffuses the political pressure to liberalize the law.

The extent of the third case, drug tourism in the Netherlands, is the easiest to assess because Dutch authorities have had an interest in the phenomenon for a longer time and even tourism professionals have taken an interest in the phenomenon as seen on the websites of the DMO of Amsterdam (Press Officers of the City of Amsterdam, 2014). In Amsterdam, 35% of visitors reported to have consumed cannabis during their stay (Press Officers of the City of Amsterdam, 2014) and in Maastricht, a local coffee shop owner estimated that 90% of his customers were drug tourists (Grether, 2014).

Compared to prostitution legislation in Germany, drug regulation in the Netherlands has been recognized as something that draws visitors to the country, and drug regulation includes sections specifically regulating drug tourism. The research showed that the views on drug tourism vary across the Netherlands. Theme D1 showed that in the southern provinces, especially border towns like Maastricht, the nuisance level connected to drug tourism have caused the authorities to implement measures restricting drug tourism specifically (van Ooyen-Houben, Bieleman, & Korf, 2016). Local authorities in Maastricht received support from the European level when taking measures to restrict drug tourism, something that at the same time revealed that the European position on drug tourism is also that it is undesirable. As shown in theme D2, however, the northern provinces, including Amsterdam, hold a different position, and do not deem drug tourism as anything negative. This divergence in opinions can perhaps be explained by the different levels of visitor numbers, which leads us to the discussion of impacts.

#### 4.3.2 Impacts of Circumvention Tourism

This section will discuss the impacts of different types of circumvention tourism that were observed during the research. Since case one and three are concerned with circumvention tourism at specific destinations, the observed impacts will be discussed in relation to literature on host community impacts. The same concepts do not apply to case two, however, since it is primarily concerned with the guest community. An attempt to assess the impacts on the guest community is made for case two, taking into consideration the impacts of circumvention tourism previously noted in other academic disciplines.

#### 4.3.2.1 *Social impacts*

The research on prostitution tourism and drug tourism revealed that in both cases, border towns were subject to problems related to high visitor numbers. In the case of prostitution tourism, this regards the city of Saarbrücken on the French border. For drug tourism, the best example is Maastricht which is close to Belgium, Luxemburg, Germany, and France. In both these cities, problems related to large numbers of circumvention tourism have been reported on due to nuisance. In Saarbrücken the report by Rohrbeck in 2014 showed that the local residents had reached the irridex stage of irritation, as they openly expressed their dissatisfaction with the situation. It can also be argued that some residents even reached the stage of antagonism, since the street prostitutes interviewed reported that they experienced trash being thrown at them from residents passing by in their cars (Rohrbeck, 2014). In Maastricht, local residents had clearly reached the irridex stage of irritation due to the nuisance caused by drug tourists. This caused local authorities to implement the resident criterion in 2005. Although not popular amongst local coffee shop owners (Opinion of the Advocate General, 2010), it seemed to be effective at decreasing the numbers of drug tourists and the related nuisance (van Ooyen-Houben, Bieleman, & Korf, 2016).

Another negative social impact that is often observed in connection with increased visitor numbers are increased crime levels (Mason, 2008b). Interestingly, the Netherlands experienced that the same measures they took to restrict drug tourism, the residency criterion, resulted in increased rates of illegal street dealing (van Ooyen-Houben, Bieleman, & Korf, 2016), one reason of the findings supporting theme D2. This could suggest that effective management of circumvention tourism could in fact combat the negative social impact of increased crime levels.

These examples indicate that it would be of high value to destinations to include potential circumvention tourism in their tourism planning. This can be particularly important if a certain type of circumvention tourism is not desired by the local community at all, since measures should then be taken to prevent the phenomenon from happening. The example of Maastricht shows that measures to restrict visitor numbers are easy to implement and very effective, so there is no reason why the same model could not be applied in similar circumstances. It should also be kept in mind that both destinations do not hold anything against the type of tourism per se, but rather the negative impacts related to the visitor numbers being too high. This leaves the suggestion that circumvention tourism could potentially be used to regulate seasonality: A benefit of all three kinds of circumvention tourism researched in this paper is that they are season independent, so they could potentially help destinations combat issues tied to seasonality. A residence criterion could for example be implemented at times where there are many tourists in the area anyway, but be lifted to allow a boost in visitor numbers in off-season.

As briefly mentioned before, analyzing the impacts of case two, abortion tourism from the perspective of Ireland, needs a different approach, since the visitor community was studied as opposed to the host community. Previous research on the impacts of tourism have primarily been concerned with the impacts on host communities, so the same models cannot be applied to understand the impacts of case two (Bimonte & Punzo, 2016). The reason why it is important to research the impacts of circumvention tourism on the visitor community is that it is a type of tourism that relies heavily on the legislation in the visitor country. It is also important to understand whether the visitor community regards circumvention tourism as something positive, since it can indicate whether steps will be taken to restrict the practice, or whether this is a growing phenomenon.

In the case of abortion tourism from the perspective of visitor country of origin Ireland, the research indicates that although there is discussion in the community about the desirability of abortion tourism, as shown in theme A2 and A4, the laws are securing the future of it and it appears to be a growing phenomenon. An interesting finding was as part of theme A4, it was detected that Irish women often find themselves in the company of other Irish women at English abortion clinics because they chose to take the same flights due to cheaper options. This means that many Irish abortion tourists know that they are not alone in having had this experience, something that might normalize the procedure. It will be interesting to see how this situation develops. On the one hand, convergence theory would suggest that Irish citizens will learn from the practices that are taking place in other countries and adapt to these developments. On the other hand, if Ireland really suffers from globalization anxieties as it was discussed before, it could mean that the access to abortion tourism will be further restricted in the future. This could be done by extending prescriptive jurisdiction of the Protection of Life During Pregnancy Act extraterritorially. This seems rather unlikely, however, considering that this would require an amendment of the constitution.

This leads us to legal impacts, a form of social impacts that are not widely discussed in tourism literature, but very relevant to circumvention tourism. As mentioned before, the legal response to circumvention tourism has varied depending on the type and case researched. In case one, prostitution tourism in Germany, no legal actions have been taken to restrict prostitution tourism, but since prostitution regulation is still developing a lot, as seen in theme P2, it will be interesting to see if any restrictions will take place in the future. The Netherlands, using the law to restrict drug tourism, could be an indicator of the future of some types of circumvention tourism if the destination considers it undesirable. Besides restricting visitor numbers and thereby reducing nuisance and other negative impacts related to drug tourism, restricting drug tourism has served cities like Maastricht in that it got recognition from the European level for its practice. Especially if a country is surrounded by countries with globalization anxieties, it should be careful developing too many or too controversial circumvention tourism services since it could be interpreted as undermining the national sovereignty of the other countries.

In terms of legal impacts, it is also interesting to analyze the activity on the guest community side of the equation, since it is here that mechanisms such as prescriptive jurisdiction would be discussed.

Ireland, which is a common law country, does not make use of prescriptive jurisdiction to regulate abortion tourism by Irish citizens, even if it would be legally possible. In the other two cases, the research shows that both the Netherlands and Germany get circumvention tourists from civil law countries. This means that for example the French prostitution tourists crossing the border to Saarbrücken, are breaking French law when engaging in prostitution tourism, since prescriptive jurisdiction is applied to the whole French criminal code. The same goes for Germans who travel to the Netherlands for drug tourism. This shows that prescriptive jurisdiction is not a deterrent for circumvention tourism. In fact, it would be interesting to conduct a study to investigate how many circumvention tourists from civil law countries are aware of the prescriptive jurisdiction covering their actions abroad. In terms of circumvention tourism management, it could also be an option for host countries to collaborate with guest communities on extraditing circumvention tourists if both countries have an interest in preventing that form of circumvention tourism to happen. This could be the case if the host community suffers from the negative impacts of circumvention tourism, and the jurisdiction of the guest community considers the argument for illegalizing an action in the first place to hold true beyond their national borders.

#### *4.3.2.2 Economic impacts*

The theme D2, drug tourism is deemed desirable, shows that not all stakeholders are interested in merely limiting drug tourism: local authorities in the northern provinces, as well as local coffee shop owners in Maastricht, expressed that they experience some of the positive impacts of drug tourism. For example, Mr Joseman, the coffee shop owner who brought his case in front of the European Court of Justice, has for example stated that 90% of customers at his coffee shop are foreigners (Grether, 2014). The drug tourists are therefore largely to thank for generating employment in this sector, at least in Maastricht.

The city of Amsterdam has recognized that since a large proportion of visitors to the city experience cannabis as a destination attribute, restricting access would decrease destination competitiveness. This in turn would mean loss in revenue in other sectors as well, such as accommodation, transportation, and entrance fees to other attractions (Grether, 2014). This follows the logic that increased visitor numbers lead to increased tourism spending, which means an influx in foreign exchange earnings (Mason, The economic impacts of tourism, 2008a). In terms of prostitution tourism, the same logic applies. Not only the prostitutes benefit from increased employment opportunities linked to increased visitor numbers, but also brothel operators and staff at brothels. Unless the prostitution tourists are day-visitors, the hospitality industry and other support services can also benefit from higher visitor numbers.

It should also be noted, however, that if a significant number of prostitutes in Germany are prostitution tourists who will leave the country with their earnings from prostitution, it will limit the positive economic impacts.

There are also negative economic impacts of circumvention tourism that should not be overlooked. Negative impacts include over-reliance on tourism, something that Mr Joseman testified to when claiming that the residency criterion was an issue because people previously employed in coffee shops could not find work elsewhere after the decrease in visitor numbers (Grether, 2014).

Having tourists leave the country in the case of abortion tourism in Ireland also has economic impacts on the home community: Every time a woman leaves Ireland to get an abortion carried out in a foreign country, it means that money is leaving the Irish economy. Some earnings might still go to the Irish economy through airlines such as Ryan Air, headquartered in Dublin, which operates the route Dublin – Manchester, but the money spent on the procedure, accommodation and food, goes to the host destination.

Women leaving Ireland for abortion tourism also means that the increased employment opportunities that the host countries experience are not benefiting the Irish community. On the other hand, it also alleviates the strain on the Irish healthcare system, which might be a positive social impact.

#### *4.3.2.3 Environmental Impacts*

In terms of environmental impacts, no impacts were observed directly linked to the three investigated cases, except perhaps increased littering caused by residents in Saarbrücken throwing trash at prostitutes (Rohrbeck, 2014). This does not mean that circumvention tourism does not have an environmental impact, but merely that none were detected during this research. If other types of circumvention tourism were selected as cases, such as wild camping or the consumption of whale meat, more severe environmental impacts might have been detected.

Nevertheless, the usual environmental impacts of tourism such as increased pollution due to transportation and consumption are expected to apply to circumvention tourism in the same way they apply to other forms of tourism. A point to reflect on here can be to what extent it would be more responsible from an environmental perspective to make certain services available for citizens in the home destination since this would decrease the negative environmental impacts of having to travel to access services. Especially in the case of abortion tourism from the perspective of Ireland, it seems like there could be a better solution to accommodate the moral pluralism in the country than circumvention tourism, at least from an environmental perspective.

## Conclusion

Circumvention tourism is taking place all over Europe and in many different forms, but the way it is managed varies considerably. In Sweden, for example, the DMO Visit Sweden has recognized the potential of wild camping, a practice that is highly restricted in other European countries, as a marketable destination attribute, and is using it to enhance their destination competitiveness. Other destinations' responses to circumvention tourism, however, depend on the type of circumvention tourism in question and the impacts it is having on the destination. In the Netherlands, the response to circumventive drug tourism has been different in the Northern and the Southern provinces; whereas Amsterdam is eager to capitalize on the phenomenon, the host community in Maastricht was the first in the country to take measures restricting drug tourism due to nuisance caused by drug tourists.

In Germany, liberalization of prostitution legislation happened in the same time period that prostitution laws in France and elsewhere in Europe were further restricted. This, in addition to the EU enlargements of 2004 and 2007, caused an influx in prostitution tourists, both customers and temporary prostitutes from outside Germany. Issues relating to the high numbers of prostitution tourists are experienced by the border town of Saarbrücken, similar to the experience that Maastricht, which is also a border town, has had with drug tourism.

Another key finding of this research is that host community attitudes are related to the increased impacts correlating to increased visitor numbers, and that too high visitor numbers can result in irritation or even antagonism. This finding shows that destinations would be served well to use traditional models of tourism management such as Doxey's irridex model to understand, predict, and manage the influx of circumvention tourists.

The research has also shown that legal diversity serves as a motivation to travel in many diverse situations, and circumvention tourism is a useful framework to understand this phenomenon, also outside the field of medical tourism where it was first applied. This insight prompts a recommendation to policy makers and DMO's to carry out an examination of current laws in their destination to identify areas that could lead to circumvention tourism.

For the tourism industry, it is of high interest to include an analysis of circumvention tourism in their destination management because it can lead to finding areas that can be developed into attractions, and thereby increase destination competitiveness. It can also serve as a tool to combat seasonality, since many types of circumvention tourism are season independent, for example all types of medical procedures. The Dutch approach of implementing a residence criterion to limit the number of visitors to coffee shops could for example be amended to be more like the Scottish response to overcrowding of wild campers: restricting access in high season, but otherwise allowing it. Whether this is a good option depends on which impacts are the biggest problem of the type of circumvention tourism in question. If

the negative impacts are only related to visitor numbers, for example, regulating seasonality alone would be a good approach. If the type of circumvention tourism is more of a moral issue, and can lead to tension with neighboring countries like the research showed in the case of Maastricht, a residence criterion like that in Maastricht might be the preferable option.

## Bibliography

- Abortion Support Network. (2017). *We help people from Ireland, Northern Ireland and the Isle of Man travel to England\* to access a safe and legal abortion*. Retrieved from Abortion Support Network: <https://www.asn.org.uk/>
- About The Women We Help*. (2017). Retrieved from Abortion support Network: <https://www.asn.org.uk/about-the-women-we-help/>
- Administration of the German Bundestag*. (n.d.). Retrieved April 14, 2017, from <http://www.bundestag.de/en/parliament/administration/administration/197666>
- (1861). *An Act to Consolidate and Amend the Statute Law of England and Ireland relating to Offenses against the Person*. London: Her Majesty's Stationary Office. Retrieved April 2017, from [http://www.legislation.gov.uk/ukpga/1861/100/pdfs/ukpga\\_18610100\\_en.pdf?timeline=true](http://www.legislation.gov.uk/ukpga/1861/100/pdfs/ukpga_18610100_en.pdf?timeline=true)
- Ausschusses für Familie, Senioren, Frauen und Jugend (13. Ausschuss). (2001). *Beschlussempfehlung und Bericht. Drucksache 14/7174*. Berlin: Deutscher Bundestag.
- Ausschusses für Familie, Senioren, Frauen und Jugend (13. Ausschuss). (2016). *Bericht*. Berlin: Bundestag.
- Ausschusses für Familie, Senioren, Frauen und Jugend (13. Ausschuss). (2016). *Beschlussempfehlung. Drucksache 18/9036*. Berlin: Deutscher Bundestag.
- Bayertz, K. (1994). The Concept of Moral Consensus: philosophical reflections. In K. Bayertz, *The Concept of Moral Consensus* (pp. 41-58). London: Kluwer Academic.
- BBC. (2017, March 1). *Loch Lomond and Trossachs National Park camping by-laws come into force*. Retrieved from BBC: <http://www.bbc.com/news/uk-scotland-tayside-central-39117802>
- Belhassen, Y., Almeida, C., & Uriely, S. &. (2007). Cannabis Usage in Tourism: sA Sociological. *Leisure Studies*, 303-319.
- Bergmann, S. (2011). Reproductive Agency and Projects: Germans searching for egg donation in Spain and the Czech Republic. *Reproductive BioMedicine Online*, 23(5), 600-608.
- Bimonte, S., & Punzo, L. F. (2016). Tourist development and host–guest interaction: An economic exchange theory. *Annals of Tourism Research*, 128-139.
- Bloom, M. (2008, February 25). *"Abortion Tourism" Sheds Light on the Need for Health Care Access*. Retrieved from Alternet: [http://www.alternet.org/story/77790/%22abortion\\_tourism%22\\_sheds\\_light\\_on\\_the\\_need\\_for\\_health\\_care\\_access](http://www.alternet.org/story/77790/%22abortion_tourism%22_sheds_light_on_the_need_for_health_care_access)
- BMFSFJ. (2007). *Federal Government Report of the Impact of the Act Regulating the Legal Situation of Prostitutes*. Berlin: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth – BMFSFJ.
- Bollestad, O. (2016, November 16). *Si tydelig nei til abort-turisme*. Retrieved from Verdidebatt: <http://www.verdidebatt.no/innlegg/11667803>
- Bordell Berlin: King George*. (n.d.). Retrieved from King George: <http://www.bordell-grunewaldstrasse23.de/startseite.html>



- Boseley, S. (2016, October 17). *Irish women report relief and gratitude after using abortion pills*. Retrieved from The Guardian: <https://www.theguardian.com/world/2016/oct/17/home-abortion-kits-women-ireland-study>
- Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, 27-40.
- Bundesanzeiger Verlag. (n.d.). *Federal Gazette*. Retrieved from Bundesanzeiger: [https://www.bundesanzeiger.de/ebanzwww/wexsservlet?session.sessionid=127ef18323d3db2008e7e3f507af13be&page.navid=to\\_knowledgeable\\_how-work\\_content&global\\_data.designmode=eb](https://www.bundesanzeiger.de/ebanzwww/wexsservlet?session.sessionid=127ef18323d3db2008e7e3f507af13be&page.navid=to_knowledgeable_how-work_content&global_data.designmode=eb)
- Burkeman, O. (2010, July 10). *The joys of illegal wild camping*. Retrieved from The Guardian: <https://www.theguardian.com/travel/2010/jul/09/illegal-wild-camping>
- Butler, R. (1980). The concept of the tourist area cycle of evolution: implications for the management of resources. *Canadian Geographer*, 5-12.
- CEFIVA. (n.d.). *Atención internacional*. Retrieved from CEFIVA: [http://www.cefiva.com/index.php?option=com\\_content&view=article&id=68&Itemid=145](http://www.cefiva.com/index.php?option=com_content&view=article&id=68&Itemid=145)
- Charter, D. (2012, November 2). Amsterdam drug tourists U-turn; The Netherlands. *The Times*, 46.
- Citizens Information. (2016, October 18). *Common Travel Area between Ireland and the United Kingdom*. Retrieved from Citizens Information: [http://www.citizensinformation.ie/en/moving\\_country/moving\\_abroad/freedom\\_of\\_movement\\_with\\_in\\_the\\_eu/common\\_travel\\_area\\_between\\_ireland\\_and\\_the\\_uk.html](http://www.citizensinformation.ie/en/moving_country/moving_abroad/freedom_of_movement_with_in_the_eu/common_travel_area_between_ireland_and_the_uk.html)
- Cohen, I. G. (2012). Circumvention tourism. *Cornell Law Review*, 97(6), 1309-1398.
- Cohen, I. G. (2015). *Patients with Passports: Medical Tourism, Law, and Ethics*. New York: Oxford University Press.
- Cohen, I. G. (2015). *Patients with Passports: Medical Tourism, Law, and Ethics*. New York: Oxford University Press.
- Commercial Whaling*. (n.d.). Retrieved from International Whaling Commission: <https://iwc.int/commercial>
- Connell, J. (2011). Extremes, Ethics, and Inequalities. In J. Connell, *Medical tourism* (pp. 137-158). Cab International.
- Crouch, G. I. (2011). Destination Competitiveness: An Analysis of Determinant Attributes. *Journal of Travel Research*, 27-45.
- Dann, G. M. (1981). Tourist Motivation An Appraisal. *Annals of Tourism Research*, 187-219.
- De Josep, K. (2017, June 11). *Amsterdam for Cannabis Smokers*. Retrieved from Tripsavvy: <https://www.tripsavvy.com/amsterdam-for-cannabis-smokers-1456858>
- Deery, M., Jago, L., & Fredline, L. (2012). Rethinking social impacts of tourism research: A new research agenda. *Tourism Management*, 64-73.
- Dixond, R., & Posner, E. A. (2011). The limits of constitutional convergence. *Chicago Journal of International Law*, 399-421.

- EMCDDA. (n.d.). *Country Profile - Portugal*. Retrieved from European Monitoring Centre for Drugs and Addiction: <http://www.emcdda.europa.eu/html.cfm/index5174EN.html#>
- EMCDDA. (n.d.). *Country Profile - The Netherlands*. Retrieved from European Monitoring Centre for Drugs and Drug Addiction: <http://www.emcdda.europa.eu/html.cfm/index5174EN.html#>
- Ergas, Y. (2016). The Laws of Others: Mandating "Rights through travel" Between discrimination, moral hazard, and irrationality. *Columbia Journal of Gender and Law*, 33(1), 38-48.
- Female Genital Mutilation Act 2003. (2003). Retrieved 26, 2017, from [http://www.legislation.gov.uk/ukpga/2003/31/pdfs/ukpga\\_20030031\\_en.pdf](http://www.legislation.gov.uk/ukpga/2003/31/pdfs/ukpga_20030031_en.pdf)
- Fkk Club 214. (n.d.). Retrieved June 6, 2017, from Fkk Club 214: [http://www.fkk-saarbruecken.com/index\\_fr.htm](http://www.fkk-saarbruecken.com/index_fr.htm)
- FKK Tour Germany. (2017, April 7). Retrieved from About us: <http://fkktours.com/what-is-this/>
- Gauck, J., Merkel, A., Schwesig, M., & Gröhe, H. (2016). *Bundesgesetzblatt*. Bonn: Bundesanzeiger Verlag. Retrieved 2017
- Gauthier, S., Mausbach, J., Reisch, T., & Bartsch, C. (2015). Suicide tourism: a pilot study on the Swiss phenomenon. *Journal of Medical Ethics*, 611-617.
- Gilmarting, M., & White, A. (2011). Interrogating Medical Tourism: Ireland, Abortion, and Mobility Rights. *The University of Chicago Press*, 275-280.
- Girvin, B. (1993). The referendums on abortion 1992. *Irish Political Studies*, 118-124.
- Gorhau, S. (2013, Mai 08). *Was Sie zum Tempolimit wissen müssen*. Retrieved from Süddeutsche Zeitung: <http://www.sueddeutsche.de/auto/hoechstgeschwindigkeit-auf-autobahnen-was-sie-zum-tempolimit-wissen-muessen-1.1668272>
- Gov.uk. (n.d.). *Our Role*. Retrieved from The National Archives: <http://www.nationalarchives.gov.uk/about/our-role/>
- Government of Ireland. (2000). *Fifth Progress Report on Abortion*. Dublin: Stationery Office.
- Government of the Netherlands. (n.d.). *Toleration policy regarding soft drugs and coffee shops*. Retrieved from Government.nl: <https://www.government.nl/topics/drugs/contents/toleration-policy-regarding-soft-drugs-and-coffee-shops>
- Grether, N. (2014, February 21). *In the Netherlands, 38 years of lessons on 'tolerating' pot*. Retrieved from Al Jazeera: <http://america.aljazeera.com/watch/shows/america-tonight/america-tonight-blog/2014/2/21/netherlands-cannabislessonscolorado.html>
- Hervey, T. K. (1998). Buy Baby: The European Union and Regulation of Human Reproduction. *Oxford Journal of Legal Studies*, 18(2), 207-233.
- Hoof, W. V., Pennings, G., & Sutter, P. D. (2016). Cross-border reproductive care for law evasion: should physicians be allowed to help infertility patients evade the law of their own country? *European Journal of Obstetrics & Gynecology and Reproductive Biology*, 202, 101-105.

- Ireland-Piper, D. (2013). Prosecutions of Extraterritorial Criminal Conduct and the Abuse of Rights Doctrine. *Utrecht Law Review*, 9(4), 68-89.
- Jennings, G. (2015). *Qualitative Research for the University Sector: Paradigms that Inform Research*. Imagine Consulting Group International Pty Ltd.
- Kavemann, B., Rabe, H., & Fischer, C. (2007). *The Act Regulating the Legal Situation of Prostitutes - implementation, impact, current developments*. Berlin: Sozialwissenschaftliches FrauenForschungsInstitut e.V an der Evangelischen Fachhochschule Freiburg.
- Kelly, L., & Tuszyński, N. (2016). Introduction: Banishing Women: The Law and Politics of Abortion Travel. *Columbia Journal of Gender and Law*, 33(1), 25-28.
- Kelly, L., & Tuszyński, N. (2016). Introduction: Banishing Women: The Law and Politics of Abortion Travel. *Columbia Journal of Gender and Law*, 33(1), 25-28.
- Kim, P. S.-U. (n.d.). *Moral Pluralism*. Retrieved from Sociology Index: [http://sociologyindex.com/moral\\_pluralism.htm](http://sociologyindex.com/moral_pluralism.htm)
- Kreimer, S. F. (1992). The Law of Choice and Choice of Law: Abortion, the Right to Travel, and Extraterritorial Regulation in American Federalism. *New York University Law Review*, 67(3), 451-519.
- Lindeberg, A. (2015, February 20). *Får bot for promotering av hvalkjøtt*. Retrieved from Dagens Næringsliv: <https://www.dn.no/smak/2015/02/20/1037/fr-bot-for-promotering-av-hvalkjøtt>
- Luxury Car Rental Germany*. (n.d.). Retrieved from <http://www.autoeurope.com/go/luxury-car-rentals/germany/>
- Luxury European Driving Tours*. (n.d.). Retrieved from Autobahn Adventures: <http://autobahnadventures.com/about-us/>
- Lysvold, S., Plassen, P., & Trygstad, A. N. (2017, July 18). *Innovasjon Norge: – Vi må dreie markedsføringen vekk fra Lofoten*. Retrieved from NRK: [https://www.nrk.no/nordland/innovasjon-norge\\_-\\_vi-ma-dreie-markedsforingen-vekk-fra-lofoten-1.13607385](https://www.nrk.no/nordland/innovasjon-norge_-_vi-ma-dreie-markedsforingen-vekk-fra-lofoten-1.13607385)
- Mail Online. (2008, January). *Dutch woman charged with murder after having abortion in Spain when 27 weeks pregnant*. Retrieved from Mail Online: <http://www.dailymail.co.uk/news/article-511551/Dutch-woman-charged-murder-having-abortion-Spain-27-weeks-pregnant.html>
- Martin, L. J. (2009). Reproductive Tourism in the Age of Globalization. *Globalizations*, 249-263.
- Mason, P. (2008a). The economic impacts of tourism. In P. Mason, *Tourism Impacts, Planning and Management* (pp. 44-55). Butterworth Heinemann.
- Mason, P. (2008b). In P. Mason, *Tourism Impacts, Planning, and Management* (pp. 56-68). Butterworth Heinemann.
- Mason, P. (2008c). Environmental Impacts of Tourism. In P. Mason, *Tourism Impacts, Planning, and Management* (pp. 69-84). Butterworth Heinemann.
- Mattson, G. (2016). *The Cultural Politics of European Prostitution Reform: Governing Loose Women*. Palgrave Macmillan.

- Meiners, J. (2013, August 25). *Wieso die Amerikaner die deutsche Autobahn lieben*. Retrieved from Welt: <https://www.welt.de/motor/article119320183/Wieso-die-Amerikaner-die-deutsche-Autobahn-lieben.html>
- Menneskeverd. (2016, October 17). *Frykter fosterreduksjons-turisme*. Retrieved from Menneskeverd: <http://www.mynewsdesk.com/no/menneskeverd/pressreleases/frykter-fosterreduksjons-turisme-1608927>
- Ministry of the Environment. (2016, May 31). Everyman's right - Legislation and Practice. Helsinki, Finland. Retrieved from [www.ym.fi/publications](http://www.ym.fi/publications)
- Mortimer, C. (2016, October 18). *Norway allows foreign women pregnant with twins to have selective abortions*. Retrieved from Independent: <http://www.independent.co.uk/news/world/europe/norway-pregnant-selective-abortion-foreign-women-womens-rights-pro-choice-a7368421.html>
- Norwegian Environment Agency. (2017, February 21). Right to Roam.
- n-tv. (2015, August 8). *Darf man in Deutschland wild campen?* Retrieved from n-tv: <http://www.n-tv.de/ratgeber/Darf-man-in-Deutschland-wild-campen-article15678966.html>
- Oakford, S. (2016, April 19). *Portugal's Example: What Happened After It Decriminalized All Drugs, From Weed to Heroin*. Retrieved from Vice: <https://news.vice.com/article/ungass-portugal-what-happened-after-decriminalization-drugs-weed-to-heroin>
- Oireachtas. (2013). Protection of Life During Pregnancy Act 2013. *Act Number 35 of 2013*. Retrieved from <http://www.irishstatutebook.ie/eli/2013/act/35/enacted/en/pdf>
- Opinion of the Advocate General, C-137/09 (European Court of Justice July 15, 2010).
- Oppermann, M. (1999). Sex Tourism. *Annals of Tourism research*, 25(2), 251-266.
- Outdoors Finland*. (n.d.). Retrieved from Visit Finland: [http://static2.visitfinland.com/wp-content/uploads/Outdoors\\_175x220\\_6\\_v5\\_WEB-HR.pdf](http://static2.visitfinland.com/wp-content/uploads/Outdoors_175x220_6_v5_WEB-HR.pdf)
- Paradise Saarbrücken*. (n.d.). Retrieved June 20, 2017, from Paradise Saarbrücken: <http://www.fkkparadise.com/>
- Paterson, T. (2013, December 3). German Sex Capital Welcomes Europe's Biggest Brothel. *The Independent*, 34.
- Pennings, G. (2002). Reproductive tourism as moral pluralism in motion. *Journal of Medical Ethics*, 28, 337-341.
- PolarWolf. (2011, 12 19). *Thread: FKK Club 214 - Saarbrücken*. Retrieved from [internationalsexguide.info](http://www.internationalsexguide.info/forum/showthread.php?2607-FKK-Club-214-Saarbr%C3%BCcken): <http://www.internationalsexguide.info/forum/showthread.php?2607-FKK-Club-214-Saarbr%C3%BCcken>
- Press Officers of the City of Amsterdam. (2014, July). *FAQ Coffeeshops in Amsterdam*. Retrieved from [iamsterdam.com](http://www.iamsterdam.com/en/media-centre/city-hall/dossier-coffeeshops/faq): <http://www.iamsterdam.com/en/media-centre/city-hall/dossier-coffeeshops/faq>
- (2013). *Protection of Life During Pregnancy Act 2013*. Office of the Attorney General. Retrieved April 2017, from <http://www.irishstatutebook.ie/eli/2013/act/35/section/3/enacted/en/html>
- Reed, J. (Director). (2014). *Inside a German 'mega brothel'* [Motion Picture].
- Reisinger, Y. (2009). *International Tourism: cultures and behavior*. Butterworth Heinemann.

- Roam Free. (n.d.). Retrieved from Sweden on Airbnb: <https://sweden.withairbnb.com/>
- Rohrbeck, L. (2014, March 5). *Prostitution in Saarbrücken*. Retrieved from Taff: <https://www.prosieben.de/tv/taff/video/20142-prostitution-in-saarbruecken-clip>
- Ryanair. (2017, July 1). *Dublin to Manchester*. Retrieved from Ryanair: <https://www.ryanair.com/de/de/booking/extras>
- Schjetne, S. (2016, October 17). *Utlendinger kan få gjennomført fosterreduksjon i Norge*. Retrieved from Dagsavisen: <http://www.dagsavisen.no/innenriks/utlendinger-kan-fa-gjennomfort-fosterreduksjon-i-norge-1.792024>
- Schmitz, J. (2013, June 7). *Sextourismus: Deutschland Reiseziel Nummer eins in Europa*. Retrieved from Osnabrücker Zeitung: <https://www.noz.de/deutschland-welt/medien/artikel/232292/sextourismus-deutschland-reiseziel-nummer-eins-in-europa#gallery&0&0&232292>
- Sethna, C., & Doull, M. (2012). Accidental Tourists: Canadian Women, Abortion Tourism and Travel. *Women's Studies*, 457-475.
- Swedish Environmental Protection Agency. (2011, August). Right of public access – a unique opportunity. (Naturvårdsverket, Ed.) Stockholm, Sweden.
- The International Sex Guide*. (2017, April 04). Retrieved April 04, 2017, from Forum: Germany - FKK Clubs: <http://www.internationalsexguide.info/forum/>
- The right to roam: Joys and Responsibilities*. (n.d.). Retrieved from Visit Norway: <https://www.visitnorway.com/plan-your-trip/travel-tips-a-z/right-of-access/>
- The Robbins Collection. (2010). *The Common Law and Civil Law Traditions*. Retrieved 02 19, 17, from <https://www.law.berkeley.edu/library/robbins/CommonLawCivilLawTraditions.html>
- Timms, P. (2016, April 7). *Prostitution in France made legal under new laws, but paying for it ruled illegal*. Retrieved from abc.net.au: <http://www.abc.net.au/news/2016-04-07/prostitution-in-france-made-legal,-but-paying-for-it-illegal/7307058>
- Torney, K. (2015, December 17). *Abortion Exported: The Women Traveling for Terminations*. Retrieved from The Detail: <https://www.thedetail.tv/articles/abortionexportedwomentravellingforterminations>
- University of Ottawa. (n.d.). *Alphabetical Index of the 192 United Nations Member States and Corresponding Legal Systems*. Retrieved from JuriGlobe: <http://www.juriglobe.ca/eng/syst-onu/index-alpha.php>
- UNWTO. (2014, February). *Glossary of tourism terms*. Retrieved 06 17, 2017, from UNWTO: <http://cf.cdn.unwto.org/sites/all/files/Glossary+of+terms.pdf>
- Våge, I., & Aanje, M. V. (2017, January 18). *Norge bør ikke tillate tvillingabort-turisme*. Retrieved from Dagbladet: <http://www.dagbladet.no/kultur/norge-bor-ikke-tillate-tvillingabort-turisme/66649782>
- van Ooyen-Houben, M., & D.J. Korf, B. B. (2014). *Coffeeshops, tourists and the local market*. Wetenschappelijk Onderzoek- en Documentatiecentrum. Cahier.
- van Ooyen-Houben, M., Bieleman, B., & Korf, D. J. (2016). Tightening the Dutch coffee shop policy: Evaluation of the private club and the residence criterion. *International Journal of Drug Policy*, 31, 113-120.

- Visit Sweden. (n.d.). *Freedom to Roam*. Retrieved from Visit Sweden: <https://visitsweden.com/freedomtoroam/>
- Waterfield, B. (2012, December 12). *Tourists exempted from ban on smoking cannabis in Amsterdam*. Retrieved from The Telegraph: <http://www.telegraph.co.uk/news/worldnews/europe/netherlands/9740463/Tourists-exempted-from-ban-on-smoking-cannabis-in-Amsterdam.html>
- WDC. (2015, February 23). *NORWEGIAN COMPANY FINED FOR SELLING WHALE MEAT IN GERMANY*. Retrieved from Whale Dolphin Conservation: <http://us.whales.org/news/2015/02/norwegian-company-fined-for-selling-whale-meat-in-germany>
- WDC. (n.d.). *VISITING ICELAND? HELP US KEEP WHALES OFF THE DINNER MENU*. Retrieved from Whale Dolphin Conservation: <http://us.whales.org/campaigns/visiting-iceland-help-us-keep-whales-off-dinner-menu>
- WODC. (n.d.). *WODC (Research and Documentation Centre)*. Retrieved June 7, 2017, from <https://english.wodc.nl/>
- Women on Waves. (n.d.). *Ireland clinics and organisations*. Retrieved May 10, 2017, from Women on Waves: <http://www.womenonwaves.org/en/page/4790/ireland-clinics-and-organisations>

## Appendix

### List of abbreviations

ASN	Abortion Support Network
CBRC	Cross Border Reproductive Care
CDU/CSU	Christlich Demokratische Union/Christlich Soziale Union
CEFIVA	Centro de Fertilización in Vitro de Asturias
DIP	Dokumentations- und Informationssystem
DMO	Destination Marketing Organization
EEA	European Economic Agreement
EU	European Union
FDP	Freie Demokratische Partei (Free democratic party)
FGC	Female Genital Cutting
FKK	Freikörperkultur
IVF	In Vitro Fertilization
TALC	Tourism Area Life Cycle
UK	United Kingdom
UNWTO	United Nation World Tourism Organization
USA	United States of America
WDC	Whale and Dolphin Conservation
WODC	Wetenschappelijk Onderzoek- en Documentatiecentrum