

TRANSCRIPT OF THE SIDE EVENT ON CHAMPIONNING THE ELIMINATION OF TRAFFICKING IN HUMAN BEING AND THE EXPLOITATION OF PROSTITUTION

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Speeches were given in English and French. Translation made by Rebecca Le Minh: many thanks to her!

LAUNCHING BY MODERATOR MS CLAIRE GUIRAUD, REPRESENTATIVE, PERMANENT REPRESENTATION OF CAP INTERNATIONAL TO THE UN IN GENEVA

Good morning, good afternoon or good evening. Thank you for coming. Welcome to today's event on Championing the elimination of trafficking in human beings and the exploitation of prostitution.

My name is Claire Guiraud, I will be the moderator. I am the Representative of CAP at the Permanent Representation of CAP International to the UN in Geneva.

Before we start, I would like to share practical information. The event is available in 4 languages: English, French, Spanish and German – you can select your language of preference by clicking on the "Interpretation" icon – the small globe at the bottom of the screen. Once you click on the globe icon, you will be able to click on your preferred languages. Thank you very much to the interpreters for the amazing work they are going to do. The event is recorded & the replay will be disseminated afterward. And please note that if time permits it, we would like to have a Questions & Answers session with the audience. You can share your questions through the chat and I will reflect them orally to the panelists.

Before leaving the floor to our distinguished panelists, I would like to say a quick word on behalf of CAP and its President, Diane Matte, President of CLES, an NGO based in Canada. First, we would like to thank you very much, our distinguished panelists, for your support and availability. We are very grateful to Sweden, France & Iceland that co-sponsor today's event – who will be represented today by very high-level speakers, so thanks to all ambassadors and representatives for being with us today. We are also very grateful to the CEDAW committee, the Office of the High Commissioner on Human Rights and OSCE for their cooperation and for being with us today as well. And finally, we are very grateful to the 3 grassroots level activists, leaders and experts as survivors, namely Tserenchunt BYAMBA-OCHIR, Sandra NORAK & Mickey MEJI. Thank you very much for sharing your views with us today. Creating a safe space and amplifying the voices is really key and fundamental in CAP activities. Thank you very much.

CAP is a coalition of 35 frontline organisations from 27 countries gathered for a common objective: the abolition of prostitution systems and trafficking in human beings, with the conviction, that addressing this particular form of violence against women is key to achieving gender equality and equality for all women and girls.

CAP has opened its permanent mission in Geneva last January. And this is a great honour to welcome such important guests and speakers for our first event – even if online and not on the premises of the Palais des Nations. You can all imagine being in Geneva, in the temple of the promotion and of the protection of Human rights, where the Member States negotiate international standards and where they are held accountable for their implementation.

Whereas international standards on prostitution will soon reach 75 years old, the last 20 years have seen major trends and development including the rising total number of victims, following the unprecedented increase in migration and forced displacement, due to armed conflicts, persecution, human rights violations, due to the growing poverty gap and finally, due to the outbreak of COVID-19.

We are gathered today with two objectives today: to highlight International human rights, as an instrument to eliminate sexual exploitation, and to share knowledge and good practices to inspire other States.

I will introduce the speakers in the order they will speak, and I will ask them, please, to stick to the timing as much as possible! I will now leave the floor to Ambassador ANZÉN, Deputy Permanent Representative of Sweden to the UN in Geneva. Thanks again for your support. As a pioneer in abolitionist legislation, and 2 years after France and Sweden have developed a common strategy for combating human trafficking for sexual exploitation in Europe and globally, we are very happy that you are able to open our event. The floor is yours.

OPENING REMARKS

Mr Mikael ANZÉN, Ambassador, Deputy Permanent Representative of Sweden to the UN in Geneva

Excellencies, distinguished delegates, dear colleagues, thank you very much.

First of all, I would like to thank you Cap International for organising this important event on the title of championing the elimination of trafficking in human beings and the exploitation of prostitution.

These issues, anchored in the principle of gender equality, are central to Sweden feminist foreign policy priorities as well as national priorities. There are numerous links between human rights and trafficking and human rights need to be at the centre of all responses to trafficking.

Given the lack of a reliable estimate of the number of victims of trafficking in human beings, whether for the purpose of sexual labour or other exploitation, it remains a challenge to estimate the global size of the heinous crime in terms of illegal profit. However, the estimate of the ILO amounts to an annual profit of 115 billions US Dollars. The actual number is likely to be significantly higher as many victims remain undetected. What is clear, however, is that an overwhelming part of victims is women and girls, who are trafficked for the purpose of sexual exploitation. According to the 2020 UN Global report on trafficking in persons, for every 10 victims detected globally, 5 were adult women and 2 were girls. And 50% of all detected victims regardless the gender, were trafficked for the purpose of sexual exploitation.

It is also clear from recent reports that we are not doing enough to prevent trafficking and to protect victims of this crime. Although we still lack solid and comparable data, testimonies from civil society, authorities and international organisations show us that trafficking in human beings has further increased during the COVID 19 pandemic. Women and children have been put in more vulnerable situations, as a result of lockdown and closed schools.

To prevent further exploitation and safeguard the protection and support of victims, we need to take a whole of society approach and ensure relevant gender-sensitive response and legislation. As you might be aware, Sweden has a strong focus on addressing the demand for trafficking for sexual exploitation, as a means of prevention and acknowledges the inextricable link between prostitution and trafficking for sexual exploitation.

Please allow me to say a few words about the process Sweden has experienced for the last 20 years. The ban on the purchase of sexual services came into force in 1999, and as a central effort to reduce demand and to prevent trafficking for sexual purposes. Sweden was the first country to criminalise the purchase but not the sale of sex.

The rationale behind criminalising the purchase act evolves from a comprehensive gender approach to address violence against women as the predominant purchase of sexual services and uses of victims of sexual exploitation: most people in prostitution are women. By prohibiting the purchase of sex, demand was confronted with the aim of exploitation.

Since then, several other countries have followed us, and what was once known as the Swedish or Nordic model is now more referred to as the Equality model.

Legislation is a clear signal and it is evident that law, which enjoys strong support among the Swedish population has had a normative effect in society. It has further been an important tool to counteract trafficking in human beings as it has made Sweden a less attractive market for traffickers.

Having said this, Sweden still faces challenges in the area of trafficking in human beings. And like many other countries, we continuously have to revise and develop our process to counter the phenomena and ensure the rights of victims. However, independent of national legislation, following Article 9 of the Palermo Protocol, we all have an obligation to address the demand that fosters trafficking in human beings. This needs to be done whether it is via legislation or other measures.

I, therefore, welcome this discussion here today where we can exchange experiences in the fields of addressing trafficking in human beings for sexual exploitation and learn more from each other about our obligation to counteract trafficking in human beings.

I would like to take this opportunity to thank all partners here today for your continued engagement on this important issue. I wish you a fruitful discussion. I look forward to continuing cooperation in this fight. Thank you very much.

Ms Claire GUIRAUD

Thank you very much Ambassador Anzen. Thank you for the overview you have provided in relation to trafficking and Swedish policies and legislation. As you said, most of the victims are women and girls, and at CAP, we strongly believe that listening to survivors is really key to identifying the best ways to tackle sexual exploitation. I will now leave the floor to our friend from Mongolia, Ms Tserenchunt BYAMBA-OCHIR, who is a Survivor, Founder and Director of Talita Asia. Talita Asia is one of the members of CAP. Thanks a lot, Tserenchunt for being with us today and for sharing your views with us. The floor is yours.

SURVIVOR'S VOICE

Ms Tserenchunt BYAMBA- OCHIR, Survivor, Founder and Director of Talita Asia (Mongolia)

Good morning, good afternoon, good evening, Ladies and Gentlemen.

It is a great honour to be here amongst you. It is indeed a privilege to represent and speak on behalf of millions of incredible young girls and women.

I believe that only the very best people in any field will take the time and make the sacrifice to come so far for an event like this.

My name is Tserenchunt. I am from Mongolia. I am the Founder of domestic violence and the founder of Talita Asia. We provide long-term help and support to the victims of human trafficking and prostitution for sexual purposes with assistance from Talita in Sweden.

Since the establishment of our organization in 2014, we provided long-term help and support to 39 women, 24 young girls, and 3 boys. Each year, we are able to welcome 6 victims of the target group. We are the only organization in the country to provide long-term comprehensive service, introducing the Swedish practices of service provision, emphasizing the rights of the target group.

Mongolia is landlocked between China and Russian, and it is 3 times bigger than France. After adopting the New Constitution in 1992, Mongolia was transformed from a closed single-party communist State to a dynamic multiparty democracy. In Mongolia, about 30% of the 3,2 million population live below the national poverty line.

Prostitution and human trafficking are illegal in Mongolia. It is a source, transit, and destination country for men, women and children subjected to forced labour and sex trafficking. According to the human trafficking report by the US embassy in Mongolia, Mongolia is a "tier 2" country that does not fully meet the minimum standards for the elimination of trafficking.

Prostitution in Mongolia is on the rise, partially due to the growing mining industry. The number of men employed at the copper mines and coal fields has led to a great rise in the number of prostitutes in these areas. Along the main highways leading to the Chinese border, truck drivers will exchange diesel for sex. The prostitutes along the highways are known as "diesel girls".

In Mongolia, women in prostitution live in shame and silence. Many of them cited that they lived in a cycle of humiliation and fear that kept them from reaching out for help.

Mongolians say that "it is better to have your bones broken, then your name dishonoured". People don't openly talk about prostitution. Society treats women in prostitution as garbage and assumes that they are in it voluntarily.

Today, I would like to share a story of a young

woman, named Marlaa, to show you a reality in our country. For her, Talita is everything and we are helping her since 2015. This is what she wrote to express her feelings: "I want to be alive".

"I know that my name is Marlaa and I am 27 years old. I also know that I had a mother and remember living with my grandfather. I realize that the city I was born in is the capital city of a country called Mongolia. I asked a sister at Talita Asia, whom I trust the most, to pass my words onto "every person" on this planet.

It has been over two years since I moved to a state nursing home for elders. If you ask the path I was on until I came to this place, it will make a very long list.

I was raped by a man from our neighbour when I was either 8 or 9 or 10 years old. I became pregnant, but my grandfather and my mother gave me a pill to miscarry. After my grandfather passed away, my mother who lived in prostitution and I had no place to go. Of course, my mother married a man. They used to sell me to others to live on and one time, I don't remember exactly when, I was hit by a car and spent days in the hospital, as a result, I had epilepsy.

I don't like when I am sold to others. I try to refuse, get angry, fight, get beaten up, and run away. If I can't get away, of course, I am sold to 6 someones. I ask for help from anyone I encounter.

I don't want to live for other people's will. I get angry. The anger makes me nobody. I don't know how many times the anger brought me to a state mental hospital. Now, the anger scares me to death. I do get angry because I want to be alive. What does "send back" mean, please explain it to me, brothers and sisters!

The social workers at the nursing home told me to send me back when I get angry. I don't know where. I don't know where my mother is now, she might be sent back to somewhere because of her anger. I know that I have nowhere else to go, I also know that I cannot live under the pressure or forces of others. So, I was told that I can't be here.

Am I living here because my mother was a prostitute or because I have epilepsy or am I, not a human because I get angry? I heard that there are girls like me, I wonder what happens to them? They also might get sent back to somewhere just like me?

I am very tired, I am exhausted, I have no strength left to fight. Now I am giving up. I will not get angry again. Is anyone forcing the social workers at the nursing home to send me back, if so, I will go back. It feels to me I might eventually be at peace. I want to be born again as a valuable someone who is not sent back. Brothers and sisters, please don't blame people like me?!

They may have been victims before, but with your support and care, they and I can survive. Love people, I love you, this makes me "human", I think. If I were an animal, I wouldn't be here from the beginning."

Thank you for your attention.

Ms Claire GUIRAUD

Thank you very much Tserenchunt for your important and strong testimony showing that sexual exploitation constitutes a serious violation of human rights.

Now we are launching our panel on the Crossed perspective of international human rights law. Before handing over to representatives of agencies and treaty bodies, it is important to recall that international abolitionist law begins as early as 1949, with *the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, a universal human rights instrument of which the Office of the High Commissioner of Human Rights is the guardian. The law continues with the CEDAW Convention, and then finally with specific instruments against trafficking, such as the Palermo Protocol. I leave the floor to Dalia Leinarte, Former Chair of the CEDAW Committee and current member, rapporteur of the recent general recommendation n°38 that she will present to us.

PANEL: CROSSED PERSPECTIVE OF INTERNATIONAL HUMAN RIGHTS LAW AND ORGANISATIONS

Ms Dalia LEINARTE, Former Chair and member of CEDAW Committee

Thank you very much for this opportunity to introduce CEDAW general commutation #38 that has been adopted last year in November, by the title "Trafficking in women angles in the context of global migration".

This general recommendation n°38 contextualises the implementation of State parties' obligations as stipulated in Article six of the CEDAW Convention, which is the following: "Take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of the prostitution of women".

The general recommendation n°38 is practical guidance for State parties. And it provides an important soft law framework for integrating gender dimension, gender transformative and human rights-based approaches in all anti-trafficking interventions,

implementing his particular Article 6 of the CEDAW Convention. But what is most important is that the CEDAW convention requires to read Article 6 as an indivisible provision, which links traffic to sexual exploitation and consequentially, to the exploitation of prostitution.

What are the root causes of trafficking defined by the committee? Basically, they lie in social-economic injustices and gender equality to be addressed, and combated, and eliminated. Then in situations of conflict and humanitarian emergencies that also caused traffic. Then in discriminatory migration and asylum regimes that encourage trafficking. And also in increased use of digital technology, especially during COVID 19, which encourages trafficking and exploitation of prostitution.

And in this regard, State parties already registered an increased requirement for sexual exploitation online, increased demand for especially child sexual abuse material. And technology-facilitated child sex trafficking demand channels through social media, the dark web and messaging platforms that provide easy access to potential victims of trafficking for sexual purposes, which mainly are women and girls through an increase of their vulnerability.

When we stress the demand side and especially during COVID, through the web, we come to one of the main root causes of trafficking which is cross-cutting and lies in demand that fosters exploitation and leads to trafficking.

Committee stressed again that persisting norms and stereotypes regarding male domination, the need to assert male control or power enforces patriarchal gender roles, male sexual entitlement, coercion, and control and drive the demand for sexual exploitation of women and girls. The massive financial games with few risks, due to the impunity, are still widespread and they must be addressed by State parties.

All in all, demand persists due to this failure, actually, to effectively discourage the demand that fosters exploitation and leads to trafficking for sexual purposes. And as it was said by the Ambassador, it mainly focused are women and girls. So general recommendation n°38 mainly calls to improve victim identification, support and protection services to investigate, prosecute, and convict all perpetrators involved in the crime and bring those perpetrators to justice.

The general recommendation also calls to secure financial remedies for victims. And what is very much important, it recognises the exploitation of prostitution

as gender-based violence against women is inherently linked to trafficking for sexual purposes. The CEDAW Committee of course recognises that tools to address the demand side for sexual purposes are up to State parties to develop.

However, the main principle remains the demand side that should be addressed by State parties if they wish to address and follow CEDAW Article 6, in order to eliminate trafficking in women and girls for sexual purposes. Thank you very much.

Ms Claire GUIRAUD

Thank you very much Dalia for this presentation and for the important work of the CEDAW Committee. On behalf of CAP International, I would like to say that we appreciate very much the Committee's efforts to fully consider the voices, lives and experiences of survivors of sexual exploitation.

Now I leave the floor to Youla HADDADIN, Advisor on Trafficking in Persons at Office of the High Commissioner in Human Rights, a very important institution guardian to the 1949 Convention. The floor is yours.

Ms Youla HADDADIN, Advisor on Trafficking in Persons, OHCHR

Let me start by thanking CAP International and the co-sponsors of this event: permanent missions of France, Sweden and Iceland and my fellow speakers.

For a long, we have been focusing on addressing supply chains when it comes to addressing trafficking in person, so I think now it's time that we shift from only addressing the supply chain to including addressing the demand because I think it's very effective.

Well in my 6 minutes on given I will be highlighting three issues:

- The legal basis when we talk about addressing the demand,
- Who's responsible for generating demand,
- And the criminalisation of demand.

The legal basis. When we talk about strategies to address trafficking, we talk about addressing the root causes of trafficking as a preventive measure. Addressing the demand is a preventive measure that would contribute to strategies to combat trafficking in persons. What do we mean by preventive measures? We are talking about positive measures to stop future acts of trafficking from occurring.

If we look at the explanatory report of the European Convention, we see that it confirms that States have a positive obligation to adopt and reinforce major measures to discourage demand for all forms of trafficking.

Addressing the demand is also confirmed in soft law, as Dalia just mentioned in her presentation. I would like to highlight the OHCHR Recommended Principles and guidelines on human rights and human trafficking. There are several UN resolutions and policy documents from the United Nations and from regional intergovernmental organisations. And of course, the work of treaty bodies and special procedures as Dalia just mentioned.

The second point is: who is responsible for the demand? We need to understand who's responsible in order to be able to put strategies to meet each category of people who contribute to that demand. Different types of demand exist:

- There is demand generated by employers who seek cheap labour to exploit.
- The other demand is generated by consumers, and we here will put a line under consumer seeking goods and services produced or provided by victims of trafficking.
- And, of course, demand is also generated by exploiters, all through the trafficking cycle and all people involved in the trafficking cycle.

Of course, when we talk about addressing the demand, it's not simply looking at who exploits and what should be done about that. It's a question related to State as well, the way States address the demand or the way States behave, inaction or inaction when they don't take any measures, they construct conditions that are favourable, and they make exploitation easier for traffickers and all those involved in the trafficking cycle.

Let me give two examples: countries of destination. Sometimes countries of destination contribute to the demand, through the great benefits they drive from cheap labour coming from abroad and that remains intentionally unprotected. Countries of origin, as well as responsibility and, contribute to the demand by relying on the remittances of overseas workers and are reluctant to interfere with a system that brings economic benefits, even if it is clear for them that their citizens are being severely exploited abroad. They don't do anything, they don't interfere.

Therefore, States responsibility stems from an obligation to exercise due diligence by taking all necessary measures to prevent an event from occurring, of course, the demand for trafficking.

The third point is the criminalisation of demand. Although the trafficking protocol and OHCHR recommended Principles and guidelines did not explicitly talk about the necessity of criminalization of demand, if we look at the legislative guide for implementing the trafficking protocol, we notice that demand reduction could be achieved in part through legislative or other measures targeting those who knowingly use or take advantage of services or victims of trafficking or victims of exploitation in general.

This notion has been also confirmed by the European Trafficking Convention, where it stated that criminalisation of the use of services of a victim should be addressed in Article 19. The Convention requires state parties to the Treaty to consider some real issues, adopt legislative and other measures to establish criminal offence under its national laws and regarding the use of services produced by victims of trafficking, with the knowledge that the person is a victim of trafficking.

So there are many elements to that. It also extends criminalization to individuals involved in the trafficking cycles, all of them: owners of businesses, premises where talking is taking place, everybody involved. Criminalising the use of services of a trafficking victim is well in the spirit of OHCHR Principles and guidelines.

According to our Principles and guidelines, States are not precluded by international law for regulating prostitution as they consider appropriate, subject of course to their obligation to protect and promote the human rights of all persons within its jurisdiction. Accordingly, rights-based strategies to address the demand for exploited and trafficked prostitution can be considered either separately from trafficking or in conjunction with strategies to address the demand for prostitution in a more general way. It is two sides of a coin.

In conclusion, I would claim that OHCHR Principles and Guidelines on human rights and human trafficking provide an important framework for the task of fleshing out legal and policy parameters for addressing the demand. Thank you.

Ms Claire GUIRAUD

Thank you very much for the important work that you are doing at the Office of the High Commissioner in right, for this great presentation of the tools and also for stressing of course they need to address the demand side and to consider right based strategies. I will now leave the floor to Tatiana KOTLYARENKO, advisor on the anti-trafficking issue at OSCE/ODIHR,

an organisation that is also fully committed against sexual exploitation. The floor is yours.

Ms Tatiana KOTLYARENKO, Adviser on Anti-Trafficking Issues, OSCE/ODIHR

Excellencies, distinguished guests, ladies and gentlemen,

I would like to start by recognising the strength, bravery and power of the survivor leaders on this panel today, and I would like to also recognise the importance of this side event, and to congratulate the co-organisers, especially CAP International and all the speakers on championing the elimination of trafficking in human beings and the exploitation of prostitution, which overwhelmingly impact women and girls.

With the Generation Equality form around the corner, it is critical to recognise the trafficking in women and girls does not happen in isolation. It happens in a continuum of violence and is always linked to demand. Factors such as poverty and the inability to gain access to decent work push women to seek risky economic opportunities, whether at risk of coercion, abuse and trafficking. Attempts to flee violent and abusive situations also prompt women and girls to take risks that may result in trafficking.

Strategies to address demand needs to be part and parcel of any action on combating trafficking in human beings. This side event reminds us of the necessity to work together, not only to address the consequences of trafficking in human beings and sexual exploitation but to come up with impactful solutions to prevent it.

Trafficking in human beings for the purpose of sexual exploitation is highly gendered. The Beijing Platform for Action in 1995 recognised that the use of women and girls as sex objects is a factor contributing to the continued prevalence of violence against women. The platform directed governments to take appropriate measures to address the root factors that encourage trafficking in women and girls for prostitution and other forms of commercialised sex and to protect their rights through both criminal and civil measures.

The Convention on the Elimination of Discrimination against Women calls on State parties to take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation of the prostitution of women. Recently, CEDAW general recommendation n°38, chaired by Dalia Leinarte, who is here with us today, recognise the need to discourage demand and foster all forms

of exploitation, especially women and children, that leads to trafficking.

This is important also in the context of digital technology, which exposes potential victims to an increased risk of trafficking. Girls, for example, face increased vulnerability to trafficking for the purpose of sexual exploitation online. The COVID-19 pandemic has led to the exacerbation of vulnerabilities to trafficking in human beings and other forms of sexual exploitation. It is further exacerbating violence against women based on gender norms, assumptions, and stereotypes around male domination, sexual entitlement, coercion and control.

I would like to share with you the report on emerging human trafficking trends and consequences of the COVID 19 pandemic, which was published last year with OSCE/ODIHR and UN Women, which has demonstrated that there is evidence of a shift towards trafficking for sexual exploitation online during the COVID 19 crises. Drawing from the prevention of violence field, OSCE, participating States, as well as other States around the globe should incorporate work on changing harmful masculinities and social norms that promote the commodification and objectification of women and children, and promote the idea of men's entitlements to women's bodies in order to reduce demand for trafficking for the purpose of sexual exploitation.

On June 24th/25th, ODIHR, jointly with the Konrad Adenauer Foundation and Together against trafficking, we will continue to address this topic of demand at a high-level conference on addressing human trafficking and all forms of sexual exploitation. Emerging trends of long-term strategies, which we hope you will also join.

Survivors of trafficking are key stakeholders within the multidisciplinary approach to combating trafficking in human beings. To assist OSCE participating States and ensure that their anti-trafficking responses are victim- and survivor-centred, I am delighted that ODIHR anti-trafficking work is supported since January by the International survivors of Trafficking Advisory Council. And Sandra Norak, who is here with us today, is a member of ISTAC.

I would like to take a moment and recognise once again the voices of survival leaders amongst us and share with you a quote from the UN women and ODIHR report of a survivor from the USA. She says "there's a person being exploited, someone who did not want to be used, bought, or sold; someone who just needed food, friend; someone who just didn't

have anyone else to turn to or another choice. And until we see that person as our friend, neighbour, sister, daughter, etc., it will never stop".

I hope that the side event will serve as a catalyst for further discussions and strengthen the cooperation between all anti-trafficking stakeholders and those that are working to address the exploitation of prostitution in addressing demand. Thank you very much.

Ms Claire GUIRAUD

Thank you very much, Tatiana. We will definitely be listening to the OSCE event at the end of June.

Thank you to the three of you for sharing with us the strong international framework that urges States to address the root factors of trafficking and to address the demon side, and even more urgently considering the COVID 19 outbreak.

I will now leave the floor to Sandra Norak. Sandra Norak is a survivor leader from Germany. She has been appointed a few months ago as a member of OSCE/ODIHR International survivors of the Trafficking Advisory Council. Thank you very much last for being with us today and for sharing your views. The floor is yours.

SURVIVOR'S VOICE

Ms Sandra NORAK, Survivor (Germany), Member of OSCE/ODIHR International Survivors of Trafficking Advisory Council (ISTAC)

Thank you so much for introducing me and thank you to the organisers and supporters of this event as well as to all people who are fighting against trafficking and sexual exploitation in prostitution.

A few words about me. I was recruited by a trafficker in Germany when I was a minor. It was the so-called "lover-boy method". In English speaking countries, it is often called grooming, "Romeo" trafficking, pimping. After I was able to escape my trafficker I stayed in prostitution because I had broken up with school because of my trafficker, I had no flat, nowhere to go, I was traumatised until I was able to exit the sex trade and the situation where my trafficker has brought me into.

So for a few years now, I'm trying with others to change legislation in Germany and enlighten society about the harms of prostitution and the often close connection between prostitution and trafficking. And it was also mentioned, I am part of ISTAC, and also Sisters in Germany.

I want to give you a short introduction to the German sex trade now. Germany has a very liberal prostitution system. Prostitution is legal and regulated and actually seen as a normal service. We do have laws on pimping, forced prostitution and trafficking, but our laws are not very good because they're not very effective in combating trafficking in human beings and exploitation.

We do have an estimated number between 200,000 and 400,000 persons in prostitution in Germany and some police officers and social workers in this field are saying that the majority of women entered not by free choice but because of being controlled by pimps and being trafficked, which is also my experience.

So when we have a number of about 200,000 persons in prostitution, which seems a realistic number, and the majority is not thereby free choice, we have an estimated number of about 100,000 victims in Germany. That is what a former police officer told in an interview. And there are other people supposing similar things. But we have just about 300 to 500 trafficking investigations per year what does, of course, not mean convictions. So it could be that these (thousands of) cases all stay unknown and the perpetrators are not prosecuted. They are not even seen.

So there is always this argument "legal makes it safe". But as you can see here, legal does not automatically mean safety, and also not justice.

Trafficking and forced prostitution are just more invisible and harder to prosecute. Pimps and traffickers hide very well behind legal structures and therefore the alleged voluntariness of the prostituted women. Legal does not make it safe, legal does make trafficking more unseen in our country. Legal gives the feeling that a lot of things are fine because prostitution happens in a legal environment, but trafficking is also taking place in legal brothels and legal prostitution areas. So that a woman is officially registered and working in a legal brothel does not automatically mean she is there voluntarily. That is often a misconception because people think in a legal environment nothing can be illegal, but that's of course wrong.

And I would therefore say that legal and liberal prostitution laws are dangerous because people are getting socialised that this area where you can find so much exploitation is just a normal job like going to the haircutter for example. So they are getting blind to what's happening in reality, on what's happening behind the scenes, because in front of the scenes everything looks nice most of the time.

Brothels for example are seen as safe places, while we do know that a lot of trafficking happens in brothels. It's just very hard to prove because having a brothel is legal and it's hard to control for police what happens inside and which persons are exploiting and aiding the exploitation of women. That's what you can see e.g. in the always mentioned case of brothel owner Jürgen Rudloff, who was in talk shows for years in Germany, talking about his brothel as wellness and safe place and that there are only women working there by free choice. Rudloff is sitting now in prison because of aiding human trafficking in his brothel because he cooperated with traffickers and pimps to get his brothel full of women. So it looked safe outwardly, but it was not safe.

In the end, I want to share what I think it does need to eliminate sexual exploitation, including what I would expect from my government and also from other governments.

One very important thing next to effective laws against trafficking and exploitation is focusing on demand. Looking at what for example Article 9 Section 5 of Palermo Protocol is saying, that State Parties shall adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. And not only the demand for trafficking is meant by Article 9 Section 5, it's broader: it is the demand that fosters all forms of exploitation of persons that is meant.

I very recommend the new paper of OSCE for all States and for all people who are working in this field and on this demand issue. The paper is called "Discouraging the demand that fosters trafficking for the purpose of sexual exploitation".

So what I just want to point out here shortly is, that there are actually three types to tackle demand for trafficking:

- it's criminalising the knowing use of services of a trafficking victim
- the second is criminalising the use of all trafficking victims in the form of strict liability,
- and the third is criminalising all sex buying.

The problem with the first approach, with criminalising the knowing use of services of a trafficking victim, can be seen when we look at the German approach, because we do have a law that the knowing use of trafficking victims is criminalised but in reality, there are not many cases that a user was criminalised. So the intention was good but you cannot practice this in reality so that it works how it should work.

The second approach, criminalising the use of all trafficking victims no matter if the buyer knows or not knows that the person he used was trafficked, is a better approach in my opinion because it makes it easier to prosecute a buyer because what only must be proven is that he used a victim of trafficking, but not that he knew that the victim was trafficked. The problem with this approach is that you first have to prove that the person who was used is a trafficking victim and this is, as I mentioned above, with e.g. the legislation in Germany, often very hard.

The third approach is the Swedish model, which we all know: the criminalising of all demand which I personally prefer as the most effective model to hold users accountable and to combat trafficking and exploitation in prostitution.

I am convinced that to fight trafficking and exploitation, we need to reduce the demand for prostitution in general because demand is a breeding ground for trafficking. Where there is a high demand for prostitution, it is much more lucrative for traffickers to earn a lot of money because there is a big market of users. Prostitution and trafficking for sexual exploitation are often closely connected. A lot of buyers of course don't search victims of trafficking at the beginning, they are searching prostitution and not trafficking but nevertheless they then often use the trafficked ones because they are in this big market and unfortunately the users are most of the time not interested or it doesn't matter for them why

the woman they are using is here. It is always difficult with numbers but in Germany, we have an estimated number of about 1,2 million users who use sexual services each day. And this is because of our liberal laws on prostitution in Germany. We do have a very high demand for prostitution and this results in making it attractive for organised crime. There are not so many people who want to be in prostitution but there is a big market of users and this demand has to be met and it will be met by traffickers.

We also need prevention campaigns in society and enlightenment not only about trafficking but about prostitution in general, because we know from diverse stories of prostituted women and studies, that often the most vulnerable ones enter and stay in prostitution because of bad circumstances and after having experienced a lot of violence, neglect and/or sexual abuse in childhood or they stay in prostitution after exploitation and are heavily traumatised.

We have to question this prostitution system as a whole, in general, because a system where you can find so much sexual exploitation as you find in this area and extreme human rights violations and so

many broken lives is not a system that should be supported and normalised as basically a service by government and society as it is in Germany.

Instead, governments and society have the obligation to come up with solutions for these vulnerable people, mostly women and girls. That means especially help, shelters and exit services, trauma therapy, if they want so that nobody must feel that staying in the system is the only chance in life. We do have to protect those who cannot protect themselves. Thank you.

Ms Claire GUIRAUD

Thank you very much Sandra for your very strong and enlightening testimony on sexual exploitation in Germany, a country where prostitution is legalised. You have already provided a very good overview of the different legislation models and their effects. You said it: "Legal does not make it safe, does not make it volunteer but just make harder to prove exploitation and to prosecute".

We are fortunate to have with us three prominent representatives from European countries with abolitionist legislation: Sweden - which passed its law in 1999; Iceland, which passed its law in 2009; and finally, France, which passed its law in 2016. I will now hand over to Ambassador Anna Ekstedt, in charge of Combating Trafficking in Persons of Sweden. Thank you very much for being here and the floor is yours.

PANEL: CROSSED PERSPECTIVE FROM CHAMPION STATES

Ms Anna EKSTEDT, Ambassador at Large for Combating Trafficking in Persons of Sweden

Dear Excellencies and distinguished guests, dear colleagues,

I would like to start by thanking CAP International for organising this important and timely event. Sweden is of course very happy to co-sponsor with Icelandic and French colleagues.

As we have heard also from previous speakers, it is more than clear from recent UN global report as well as testimonies from civil society and other actors, also from the latest progress report from the European Union, that we are not doing enough to prevent trafficking and much more needs to be done to prevent trafficking for the purpose of sexual exploitation.

Far too many people in the world are being sexually exploited as victims of trafficking and the vast majority of them are women, and far too many of them are also children. And as we have heard, the COVID 19 pandemic has made women and children, especially girls, even more, vulnerable to different forms of violence, sexual exploitation and trafficking in human beings for the purpose of sexual exploitation. We have seen that traffickers have changed their modus in order to recruit and exploit vulnerable individuals from the growing risks groups.

In order to address trafficking firmly, we really do need to address the root cause, namely the demand. We need to acknowledge that sexual exploitation and trafficking exists due to the fact that someone is paying for it, and namely the demand side.

As it was also pointed out by Ambassador Anzen, the work against prostitution and trafficking is a high priority issue in Sweden and for the Swedish government. And its address is also included in the work to combat men's violence against women. The Swedish view is also very clear in the sense that prostitution is an exploitation of a personal vulnerable situation. And the work against trafficking for sexual exploitation is an integral part of the Swedish feminist foreign policy.

The ban on the purchase of sexual services is of course central and has been since the law was adopted in 1999. And we were then the first country in the world to criminalise the purchase but not the sale of sex.

By exclusively targeting the demand, Sweden aims at disrupting the market and at the same time equalising power imbalance between men and women. But the law was of course not developed in a vacuum but evolved over decades, stemming from the women's movement who strived to denounce gender inequalities in our societies.

And Sweden of course now highly welcome the fact that more and more countries have followed and adopted the Equality model and similar legislation that address the demand. We have Norway, Iceland, Northern Ireland, Ireland, Canada, Israel and of course, France. And given our similar approach to the issue, we are currently working closely with our French colleagues in implementing a joint diplomatic strategy to address trafficking for sexual exploitation, a cooperation that we highly value.

Legislation is a clear signal and also often has a normative effect in society. And statistics in Sweden

show us that prostitution has gone down significantly and also indicate that it has been an important tool to counteract trafficking as it has made Sweden a less attractive market for traffickers. So, it has worked as a deterrent to traffickers and has also been an important tool for law enforcement in trafficking cases.

Also, we do see that the legislation has had a normative effect in the sense that we can see a reduction in demand. And there is also a very strong support of the legislation among the general population.

At the same time though, availability has increased due to the Internet. Prostitution and trafficking for a sexual purpose is a complex area, in the sense that it is constantly taking on new expressions, for example as a result of technological developments. We see new phenomena such as **sugar dating** (?) in different forms of online exploitation in Sweden just like in any other countries. Phenomena that unfortunately risks normalising prostitution.

The fact that ads and transactions are taking place online is of course posing a challenge to law enforcement as well as social workers in the sense that they have to do a different type of outreach work. It is further clear that a ban on the buy of sexual services is not enough to put an end to sex purchases in Sweden. Prostitution is, as you all know, a social problem to at least as a great extent as a criminal problem.

And a ban can only be a complement to social aspects. People in prostitution need to get solid exit strategies and support just as well as all victims of trafficking need protection and support.

Girls, women and LGBTI people in prostitution are often extremely vulnerable and we need to do much more to prevent people from being recruited into prostitution and ensure that they receive the support they need and are also able to leave their situation.

One example of Sweden is the fact that buyers of sexual services who want to stop this behaviour can, on a voluntary basis, be offered social support and therapy.

Impact assessments are of course very important. A number of evaluations have been done in Sweden. The Swedish gender equality Agency is in charge of the national coordination against trafficking for all forms of exploitation and they are currently conducting a mapping on prostitution in Sweden, that will be published later this year.

Also in order to sort of follow up the effectiveness of the sex purchase legislation, and see how it is applied by authorities, the Crime Prevention Council in Sweden has been commissioned by the Government to follow up and analyse the application of the ban on the purchase of sexual services and also the exploitation of children through the purchase of sexual acts. And in this assessment, they will look at how support is being provided to people in prostitution and how the police and law enforcement work together on this.

But prevention is also by changing norms and attitudes. In order to counteract the long-term demand for the purchase of sexual services, we see a need for more universal prevention measures aimed at boys and young men, as well as efforts to change harmful norms and stereotypes that justify violence and restrict women and girls scope for action and life choices.

One example of legislation in Sweden is the fact that in 2018, a new legislation offence based on consent was introduced in Sweden, meaning that it is now an offence to perform a sexual act with someone who is not participating voluntarily. We see this as one important step towards abuse and also to ensure bodily integrity. And put this in relation to prostitution and trafficking in human beings, this legislation means that anyone who buys sex from someone who was trafficked and that would not participate voluntarily, can be convicted of rape or negligent rape.

Providing a comprehensive sexuality education is also a significant part of reducing gender-based violence. Evidence shows us that comprehensive sexuality education has a positive effect on young people knowledge and attitudes related to sexual and reproductive health and behaviours.

The Swedish government has recently decided to change the school curricula on comprehensive sexuality education, and Swedish schools will now equip boys with an understanding that sex must be based on consent and free will.

It is clear that we need to make much more though to address this crime. Countries of destination have a responsibility to identify, protect victims and prevention efforts need to be in place also in countries of origin. And these prevention and protection mechanisms also need to be there when the exploitation takes place online.

Sweden is seeing good results over legislation against the demand. However, no matter what their national laws look like, we all have an obligation to address to

Demand that Article 6 in the CEDAW Convention tells us, that we all have an obligation to address all forms of trafficking of women and the exploitation of the prostitution of women. And as we also heard from previous speakers, there is also the UN Protocol Article 9.5, which tells us that we all have an obligation to address the demand that fosters trafficking for all forms of exploitation. And this needs to be done, whether it is via legislation or other measures.

We cannot accept the abuse that comes by buying sex and that people are indifferent to the situation that people who sell sex and are being trafficked find themselves in. We must do much more to prevent women from being exploited, children being sexually abused and victims of human trafficking exploited and raped. And therefore we also need to listen to survivors and do all we can to end this form of exploitation. We need to disrupt this business model of exploitation and find efficient mechanisms and cooperation models to do that. And addressing the demand needs to be an integral part in all our prevention work. We still don't know, of course, how long we will have to live with the negative implications of the COVID-19 pandemic. We can however all now learn from the effects of the pandemic and ensure that we will do better and build back stronger as our societies are opening up again.

Thank you very much.

Ms Claire GUIRAUD

Thank you very much Ambassador Ekstedt for providing this overview of 20 years of experience of abolitionist legislation, Swedish last developments and its very positive impacts – thanks also for highlighting the feminist background of the abolitionist legislation.

I will now hand it over to Ms Hildur Sunna Palmadóttir. She is the National coordinator against trafficking at the Ministry of Justice of Iceland. Thank you for your support and for being here with us today. The floor is yours.

Ms Hildur Sunna PÁLMAÐÓTTIR, National coordinator against trafficking, Ministry of Justice, Iceland

It is an honour to be here and to speak at this very important event, and for Iceland, to be able to co-support Sweden and France. I would also like to have especially thanked Sandra and Tserenchunt for their important contributions.

I will tell you about the evolution of the legislation and actions against human trafficking in Iceland.

It all began in the year 2002 when a report was made by a committee of the minister of justice regarding sexual violence and prostitution in Iceland. One of the findings of the committee was these so-called champagne clubs were a growing phenomenon in Iceland. The committee found that a special article on human trafficking was necessary for the penal code. In year 2003, amendments were made to the Icelandic Penal Code, and there amongst a new article on human trafficking was added to the code. Back then, sexual exploitation, labour exploitation and trafficking for the purpose of organ removal were the only means of exploitation.

Amendments were made to the article in 2009 for the purpose of validation of the Palermo Protocol and the Council of Europe Convention on action against human trafficking. And the same year the government established the first National Action Plan on human trafficking in Iceland, which was valid until 2012.

In the year 2013, a new action plan was established and was valid until 2016. Then, the aim was to strengthen the judicial system to fight against human trafficking, with an emphasis on perpetrators and organized crime. The emphasis was mainly on proactive investigations and strengthening training and knowledge of law enforcement.

A new action plan was established in 2019, with no time limitations and is currently underway. It is composed of ten actions under the three familiar categories: prevention, protection and prosecution. The main emphasis of the new action plan is on labour trafficking.

Iceland, since the year 2010, there has only been 1 conviction for human trafficking in Iceland, and 3 indictments. The population of Iceland is 300,000 people approximately to put this in context, but even though is a low number.

And it was therefore obvious that the emphasis of the two former action plans was not delivering the desired results. So the emphasis has changed and is now more on protecting and assisting victims of human trafficking, to gain their trust in order to be able to get convictions and to protect the victims. One of the actions of the newest action plan was to review legislation, and there amongst the article in the penal code, Article 2.27.a.

And it was only two weeks ago parliament passed a bill on amendments of the article.

The changes aim at the culpability of human trafficking for the purpose of strengthening the protection of victims and increasing the probability of indictments and hopefully convictions. With the amendments, more means of exploitation were added to the article, for example, forced marriage and aiding and abetting.

Also, the word prostitution has been added to the article to emphasise that human trafficking in Iceland seems to be most common when it comes to prostitution.

Another change that is important is that a threat to a victim does not have to be a threat of a punishable act, as it was before. Now it is enough for example, as we all know, that perpetrators threaten a victim, that the victim will be reported to the police or to the directorate of immigration, that a threat is something that the victim is afraid of, without it being violence in itself.

In July 2020, a National Referral Mechanism was established for the first time in Iceland. Since then up to 20 cases have been reported, most of them concerning labour trafficking, which seems to be alongside prostitution, the most visible means of trafficking in Iceland.

Before Covid-19, prostitution was growing rapidly in Iceland, where women and men travelled to Iceland, staying in rental apartments for a period of 1 to 2 weeks and selling their bodies for sex. The Reykjavik Metropolitan Police has been making efforts to lower the demand for prostitution by fining the buyers 1300 euros for asking for or paying for sex. In the year 2020, they had 34 cases with 75 perpetrators. In the year 2021 only 4 cases have come up, and that is mostly due to Covid-19 and travel restrictions.

With strengthening knowledge and education, both for professionals and the public and with the new legislation and the National Referral Mechanism, we are hoping that we will be able to fight human trafficking in Iceland, in all forms of it, but especially when it comes to labour trafficking and sex trafficking since those are the most vivid forms of exploitation in Iceland. Thank you.

Ms Claire GUIRAUD

Thanks a lot, Ms Palmadottir, for providing this overview of Icelandic policies against human trafficking and also the remaining challenges. But the last development sounds promising.

I will now hand over to Ambassador Brunet, Ambassador at Large against Transnational Criminal Threats of France. The floor is yours. Thank you very much for being with us and for your support.

Mr Jean-Claude BRUNET, Ambassador at Large against Transnational Criminal Threats of France

Excellencies, Ladies and Gentlemen, greetings to you all from Paris.

I would like to express my greatest thanks to CAP International, to you Ms GUIRAUD, for organizing this event, as well as to all the participants, all the guests of this event. Thank you to the two survivors as well, for being brave enough to testify, and for having shared with us their distressing journey and commitment, their expectations, and the recommendations for actions by members states.

This event is organized on the side of two key dates for protecting and promoting human rights, which are both the Human Rights Council and the Committee on the Elimination of Discrimination Against Women. And I also want to thank the missions in Geneva for supporting this event, and most particularly my fellow ambassador Delphine BORIONE in charge of human rights for her participation in the conclusion of our event.

Thank you to CAP International for offering the opportunity to discuss the different measures that could be taken by the states for combating human trafficking and sexual exploitation, and hereby better protect fundamental rights and gender equality. I am delighted to share this account of our countries' respective experiences and our shared commitments with my colleagues from Sweden and Iceland. And I shall add, as my Swedish colleague did, that our two governments, France and Sweden, have indeed joined their efforts through a shared strategy carried by our ministries for Foreign Affairs.

On March 8th, 2019, during International Women's Day, Ministers Mrs Margot WALLSTRÖM et Mr Jean-Yves LE DRIAN committed to strengthening bilateral cooperation in combating human trafficking for sexual purposes. This commitment resulted in the development of joint actions for raising awareness especially in multilateral fora such as the United Nations or the OSCE, as well as in actively promoting legislation that allows to better protect victims, 2/3 of whom are women and girls, and the theme that is being addressed in our event today: especially our action on the demand.

This joint effort is therefore part of an active feminist diplomatic strategy that both our Ministers

and the designated thematic ambassadors at large, carry as important priorities of our international actions.

These legislation models that we are experimenting with indeed have in common the will to progressively change mindsets, better protect the victims and decriminalize them entirely so that we can also be more efficient in combating organized crime networks; and to do that, the focus is put on the most important part of criminalizing clients, which means on the demand.

Sweden, Norway, Iceland, Ireland, and France have adopted that approach through legislation, an example that was followed by other countries such as Canada or Israel. And very strong announcements have also been made recently by the Spanish government, which is considering following this model. At the Alliance of the OSCE, this matter was developed quite extensively, as an event from the past week has reminded us, and we are delighted that these debates are moving forward.

Indeed, this context of sanitary crisis has contributed to worsening this violence and these criminal acts, as the trade makes the most of online methods and adapts its techniques.

I would like to give an account of the French experience and insist on the fact that traffickers choose to do this human-beings trafficking for purely economic reasons. We are facing a market that follows the supply and demand rules, and the more the customers' demand grows, the richer traffickers get. Consumers, therefore, participate in the exploitation of thousands of men, women, and children around the world, who are victims of prostitution or forced labour.

Preventing trafficking through actions that discourage the demand has been recognized by international laws. Beyond the adoption in France of two national inter-ministerial action plans - as this is the case in other countries and as it was for example presented in Iceland -, plans that rely on a global approach of combating human trafficking.

These national plans with a global approach are the first step, but moreover, France chose to take measures to reduce the demand by criminalizing sex buyers. Sexual exploitation is indeed the most extended form of this trafficking in the world.

And it affects a great majority of women and children. In France, 85 to 90% of identified prostituted persons are victims of pimping and trafficking.

For many years the international community has been manifesting by encouraging countries, through many Conventions, to take measures to eliminate prostitution and the resulting sexual exploitation. I would like to recall fundamental texts:

- The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, that directly links prostitution and trafficking, by highlighting in its preamble that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”;
- Secondly, the Convention on the Elimination of All Forms of Discrimination against Women of December 18th, 1979 that condemns the trafficking of women under all forms, as well as the exploitation of the prostitution of women;
- Thirdly, the Convention on the Rights of the Child and its Protocol on the sale of children, child prostitution and child pornography;
- Closer to us, the European Conventions and Directives encourage states to take all measures that aim at discouraging the demand and, in that regard, at criminalizing the use of services of an exploited person.

France wanted to go even further, and it is this political will that enabled the adoption of the April 13th, 2016 Law “aiming at reinforcing the fight against the prostitution system and accompanying prostituted people”.

The legislator was pursuing several goals.

Firstly, to strengthen the fight against pimping and human trafficking: Internet provider companies now have to notify public authorities of any site publishing offers of paid sexual services, and victims of human trafficking that testify against criminal networks benefit from special protection.

Secondly, the goal is to improve the support to victims of prostitution, pimping, or human trafficking by creating a prostitution exit program managed by a commission in each territory that gathers associative and institutional actors. The persons involved in this program benefit from specific rights, such as prolonged residence rights for foreign non-European victims, financial aid to support social and professional insertion, as well as a global support program by an association to help them build themselves back up and insert themselves into society.

Thirdly, the goal is to change the perception of prostitution and sexual exploitation through

awareness programs among the general public, and especially young people.

Finally, fourthly, the goal is to criminalize sex buyers by banning the purchase of sexual services to discourage the demand. Therefore, the offence for soliciting sexual services was incorporated into our penal code, with the highest punishment of a 1600€ fine and in case of a repeated offence, of a 3750€ fine. The law also plans on an additional punishment that is the obligation to complete an awareness-raising program about combating the act of buying sexual services.

Lawmakers chose to repress the act of buying sexual services in all forms, based on two assumptions.

Firstly, that the body is not a commercial good that can be bought in disregard to the dignity of the human person.

And secondly, that the people who resort to prostitution are in large majority victims of human trafficking for sexual exploitation, an offence that is one of the most serious violations of human rights.

Yet, this crime can only be made possible because one can pay for sexual services. If it is prohibited, there will be no more supply, or at least, it will be very little and we will have achieved our goal of ending this very lucrative market that is sexual exploitation.

This reasoning won over the majority of the parliament, and this bill was deemed to conform with the Constitution in light of the goals pursued by the legislator.

5 years after its adoption, we can observe that this law was progressively enforced, with already noticeable success.

And I would like to particularly highlight the real increase of the power of this law, with around 5000 fines issued, very few repeated offences; an interesting signal, and a very clear effect on reducing prostitution on the public road.

Secondly, public opinion polls show strong continuous support for the law of 78% in 2019.

Finally, around 400 victims have benefited from the exit program, very organized locally, with impressive statistics in terms of prospects of changing lifestyles: 87% of stable employment for the victims that chose to engage in this exit program.

And finally, an increase in judicial proceedings. But as it was mentioned by my colleagues, it is a matter of

constant effort and it is complex; however, we observe an increase in legal proceedings against organized crime networks, and around twenty or so a year are dismantled.

But we indeed have to continue with our efforts, for instance by conducting more information campaigns towards the general public, and by strengthening prevention programs with children and teenagers in the context of the increase of underage prostitution. A law was just voted on last April 21st that aims at protecting minors from sexual crimes and offences as well as incest, which aggravates penalties for using child prostitution. This law also takes into account the new forms of the sexual exploitation of minors by introducing into the penal code the offence of inciting to commit sexual acts by the means of electronic communication.

To conclude, I would like to draw your attention - apart from the restrictive aspect of the measures that are present in the April 13th, 2016 law -, to the legislator's desire to put the responsibility on those who use the services or goods of exploited persons, by making them aware that they are active participants of trafficking, that is increasingly violent, that increasingly violates human dignity. In relying on the commercialization of bodies, it is a violation of the victims' human dignity and an extremely unbearable example of violence against women.

The time has come today that states begin a process of harmonizing their legislation so that they can better prevent human trafficking by displaying their efforts to discourage the demand through criminalization. Criminal networks will therefore be confronted with the laws of supply and demand, which will make this illegal activity less lucrative and therefore less attractive.

Finally, I would like to turn to the victims of human trafficking that shared their appeal and their expectation with us. Their protection and support are at the core of our shared concerns. It is by better protecting them and accompanying them that we will be able to give them back their dignity that was tarnished and this part of their humanity that has been denied from them. Enabling them to take back their lives and giving them hope for a future is the challenge that must mobilize us all every day.

Ms Claire GUIRAUD

Thank you very much, Mr Ambassador, for your presentation of the French model and your commitment and daily action to make it known and strengthen cooperation in this area.

Thanks to the 3 of you, for providing this very rich presentation of abolitionist legislation of European countries as an efficient instrument to eliminate – or reduce – sexual exploitation.

I will now hand it over to our friend from South Africa, Mickey MEJI. Mickey MEJI is a survivor, a founder and leader of the survivors' movement 'Kwanele' and a close partner of Embrace Dignity, an organisation member of CAP. Mickey, the floor is yours.

SURVIVOR'S VOICE

Ms Mickey MEJI, Survivor, Founder of Kwanele (South Africa)

Good morning, good afternoon. Good evening to everybody,

My name is speaking with you from Cape Town in South Africa. Just a little bit about myself: I am a survivor of the sex trade; I was in the trade for about 9 years and then struggled for another 5 years in exiting.

I founded a movement called Kwanele, which means "enough", a movement of survivors of the system of prostitution with mainly women survivors who live in South Africa who were in the system of prostitution. The movement exists in about 7 provinces in South Africa, has 9 provinces currently because some of the resources were not that active in other provinces, but some of us are active in a few provinces because people are strapping to find resources.

The system of prostitution in South Africa is spread out throughout the country with mainly poor black women either who are either migrants or. South African nationals.

There are links between human trafficking and prostitution mainly because many of the migrant survivors were trafficked into the system of prostitution and mainly those who are actually in prostitution in urban areas were also trafficked from rural areas.

So we find many people that are trafficked in South Africa, either women and girls and mainly for the purpose of sexual exploitation.

Right now, survivors need solutions. We need support and exit programmes. Our government is not providing any of those except for AIDS-related interventions. There is nothing that is there to economically support women to be empowered and to be able to do exit the system of prostitution.

The solution that we need is that our government needs to adopt the Equality model because that particular law is the only law that is progressive enough to be able to realise their dream of the abolition of the system of prostitution. What I am expecting from my government, namely, is that my government takes accountability in terms of the treaties that we have signed in as the Republic of South Africa, such as the CEDAW Convention. Because we do agree that we should be against the system of prostitution. Also, international human rights law describes prostitution as a human right violation and has undermined the dignity of people and their right to life.

Member States should hold each other accountable and call each other into order so that all the other Member States should also start taking steps legally or also just providing resources to create exit programmes for women in order for us to economically empower women. We need a holistic approach. It is not just about the economies, but it's also about the fact that women who have been prostituted are mentally scarred. We need those resources. Thank you very much.

TRANSITION AND Q&A

Ms Claire GUIRAUD

Thank you very much Mickey for your powerful testimony, and your also very strong call for action.

We propose to have a few minutes of questions and answers. Thank you very much to all the participants who have shared questions. Unfortunately, we will have to limit it to three questions.

I will start maybe with a question to the two representatives of Sweden and France about the joint diplomatic strategy. Are you developing any activities within the European Union, do you discuss addressing the demand with other European governments and could we be looking at a long-term abolitionist European Union?

Mr Jean-Claude BRUNET

Thank you very much for the question. Yes, indeed, we are working together in the context of the European Union. In this forum, the topic is being discussed in the context of Justice and Home Affairs and discussions under the EU directive of 2011 to prevent and combat trafficking in human beings and the recent EU strategy on combating trafficking in human beings, that the Commission has issued.

In this context and especially the review of the implementation of the directive of 2011, there is the opportunity for experience sharing between the EU Member States on these topics and it can help to make progress in the way to addressing demand. Because the addressing demand part is already part of the policy, as it has been reminded today.

But there is a question of implementation and there Sweden, France and others inputs in experience sharing in the progress report and review of the implementation of the Directive, and now also of the EU Strategy, will be very important to help convergences development, hopefully, on the basis of the review of challenges of possible solutions, following our common objectives.

Ms Claire GUIRAUD

Thank you very much, Mister Ambassador.

We have another question from Winifred Doherty on I guess it will be more for Tserenchunt, Mickey or Sandra maybe if you would like to answer. The question is: how to address the push back against prostitution as violence against girls and women that we encountered in many advocacy quarters? How to address the rights of people who claim that prostitution is labour and that sexual services can be regulated within the labour market? I don't know if you would like to answer.

Ms Sandra NORAK

Maybe I can answer the last one that prostitution is a form of labour. I'm in a lot of conversations and when I talk about trafficking and exploitation, then there always comes the question: yes, but what are we doing with those who are doing it by free choice?

And then I am always asking: would you like to have your daughter in prostitution or people you love in prostitution? And they are always saying "no"... And then I am asking them: so where are all those free choice prostitutes the society and e.g. our laws in Germany are speaking about? Because when you speak about "sexual services", as our law and society does in Germany, then you have in mind that this happens basically by free choice, but we have to acknowledge, as it was mentioned several times today, that in prostitution there are almost trafficked and exploited women and girls, and that also most of those who enter by free choice or who are thereby free choice as a result of their exploitation, as it was e.g. with me, have a history of violence and abuse what often makes it hard to escape the sex trade because of their trauma. I know a lot of trafficking victims who were not able to get out of prostitution

After their exploitation situation, so we have to look at what is behind this free choice in most of the cases and not speak about labour. It is not labour because if this is labour you also have to bring them into school. You know that is ridiculous... to learn your children how to be the best-prostituted woman in your country. That is far from reality...

Ms Claire GUIRAUD

Thank you very much so much. I think it is pretty clear.

And the last question is from Jessica Neuwirth to the institution, and specifically to Youla Haddadin from OHCHR. Jessica is telling us that there is a growing concern about the use of the term “sex work” by UN entities, including OHCHR, and she is explaining that this term is sanitising prostitution as a form of labour as we just discussed and it's promoted by those who support the legalisation of the exploitation of prostitution, including decriminalisation of pimps. Can you comment on this concern and how can we address this concern about terminology?

Ms Youla HADDADIN

Thank you, Jessica. I would answer on behalf of OHCHR and I don't know about other UN entities, I would say that Recommended principles and guidelines on human rights and human trafficking is the only framework we use to address trafficking in persons.

And as I mentioned earlier, in the language we use the term “prostitution” in line with all international relevant conventions that talk about trafficking and related exploitation.

Yes, of course, I know that there is a big debate at the international level and there are two camps. And I would say it is not about those who support legalisation. The strongest camp is more related to those who support decriminalisation. And we know what the difference is between the two. It will be an open thing that is not regulated and protected by law. It is even more dangerous than legalisation. So, I would suggest: there needs to be more effort by the other group and like-minded people to raise awareness about the exploitation and about the Nordic model. Because I have been faced with a lot of groups who promote decriminalisation. I don't see any balance in the debate, and we need to clarify all issues related and needless to say that a lot of speakers talked about violence against women, about the commercialisation of woman's body. We need to make it clear to everybody in order to be able to give me a strong argument. Thank you.

Ms Tatiana KOTLYARENKO

Just to add to what Youla was saying. There is internationally accepted terminology, for example, “exploitation of prostitution”. This is not the case when it comes to the term “sex work” and we should all use internationally accepted terminology defined by international law in our work.

Ms Claire GUIRAUD

Thank you very much for reminding us of that framework and the only agreed language at the UN level. Thank you very much for the questions from the participants, so I will right now hand it over to the French Ambassador in charge of Human rights. Thank you very much for co-sponsoring the event and for your support. The floor is yours.

FINAL REMARKS

Ms Delphine BORIONE, Ambassador for Human rights of France

Thank you very much, I am very happy to be with you all. I would like to thank CAP and you, Ms GUIRAUD, for organizing this extremely interesting, dense, and rich panel of guests. I also think that the survivors' testimonies were particularly moving.

I would like to truly thank them from the bottom of my heart because they bring us both a testimony of bravery as well as their perspective that is very enlightening of the stakes and answers to bring to this matter.

It is difficult to do the closing speech after such diverse interventions, which showed the intensity of the problem that are trafficking and the exploitation of women through prostitution, and that also showed the need to mobilize collective energies, to bring efficient and concrete answers.

The debates have therefore brought to light the need for a multidimensional approach, around the demand, the protection, and the support to victims or survivors, and repressing trafficking networks at the same time, of course.

Naturally, as my colleague Jean-Claude BRUNET already told you, I would like to reaffirm France's commitment against human trafficking and in promoting abolitionism internationally as well as nationally.

To take away a few points from the different interventions, I would like to mention 5 dimensions more specifically.

1/ The first dimension is the role of multilateral instruments in favour of human rights that recognize that prostitution is incompatible with the dignity of the human person. And that of course began with the United Nations Charter in 1945 and with the Universal Declaration of Human Rights in 1948 that has recognized the dignity of the human person as the main pillar of the United Nations system.

Afterwards, these texts were completed by the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of December 2nd, 1949, that France ratified in 1960 at the time when our country was closing brothels.

Also, through the central text that is the Convention on the Elimination of All Forms of Discrimination against Women, the CEDAW Convention, which was ratified in 83 and asks states parties that they "suppress all forms of traffic in women and exploitation of the prostitution of women." Earlier, Dalia LEINARTE reminded us of this recommendation that was adopted on the trafficking of women and girls in the context of international migrations, and that is especially important. We of course mentioned other tools such as the Palermo Protocol against human trafficking or the Council of Europe Convention.

All these texts are extremely important. First and foremost, as Mickey MEJI very accurately said earlier, because they are very useful tools to impose and remind the States that ratified them of their commitment and to ensure that they are indeed being implemented.

In this regard, I would like to draw your attention to the fundamental role of the institutions that are working in that direction especially those from the first panel: the Office of the High Commissioner for Human Rights, the Committee on the Elimination of All Forms of Discrimination against Women or the Office for Democratic Institutions and Human Rights. Thank you for your participation and your action.

Something that we should pay attention to on this topic, is fighting against cultural relativism that some people would like to put forward regarding these unalienable, indivisible rights. We must be united to recall the indivisible and unalienable characters of human rights.

2/ A second dimension is, I think, the link between the fight against trafficking and prostitution, and the matter of promoting women's rights and gender equality.

These issues were addressed in a resolution of the European Parliament of 2014. For its part, France is extremely proud to be developing resolutely feminist diplomacy and for making gender equality one of its priorities in the course of its diplomatic action.

Our 2018-2022 international strategy for gender equality brings light to the law that we adopted in 2016 to strengthen the fight against the prostitution system and to support prostituted persons. It is one of the foundations of our national legislative framework on gender equality.

Among all other actions that are being carried out also in cooperation with other partners, we must mention our complete mobilization in favour of promoting the universalization of the Istanbul Convention which is a far-reaching international instrument to move forward in fighting violence against women.

Also, you know that next week will be held a very important meeting in Paris: the Generation Equality Forum, organized in cooperation with Mexico and UN Women. This global gathering in favour of gender equality will of course address the matter of the fight against violence towards women and girls. Action coalitions will be put together to concretely accelerate progress in terms of equality.

3/ The third dimension addressed is the fight against human trafficking and criminal activity. A few participants, including my fellow colleague Jean-Claude BRUNET, have presented very well the challenges we face and the answers that we can bring through our actions nationally, for example with the 2016 law. The Swedish Ambassador and the representative for Iceland also mentioned the instruments applied at the national level as well as their actions at the international level.

On that note, we must insist on the importance of having zero tolerance to end the impunity that, too often still, surrounds those who perpetrate violence and those who carry out this trafficking and these criminal activities.

Another point of attention is the issue of the fight against sexual violence in conflict zones. France is particularly involved in this area. Servitude, pimping, rape: indeed, the list of rights violations and foul infringements to the security and dignity of women committed in conflictual zones is unfortunately long. Similarly, we must consider the victims who are young boys and girls, teenagers, children, and therefore we must work for the elimination of all forms of sexist and sexual violence towards them.

4/ The fourth dimension is the attention that we must pay to the survivors and also to those who support them in their actions. Thank you for the three testimonies that we have heard. It is extremely important to involve these victims, survivors of sexual exploitation in the decision-making processes. And it is indeed planned as such, for instance under the Women Peace and Safety agenda that France, like many others, is supporting and implementing with national projects.

To involve victims in the decision-making process is essential to properly take into account the people in a situation of fragility. Civil society has a role in this process. We must support all the associations and NGOs that get involved alongside these defenders and survivors. I am thinking of the support that we can bring, in France for instance, to the Yazidi women who are victims of Daesh, and of the remarkable work that Dr MUKWEGE has conducted in Congo, and of other field projects. More generally speaking, this underlines the necessary support that we should bring to human rights defenders, to all those who engage in the field, often at the risk of their freedom, sometimes even of their lives. It is a priority for us.

5/ Finally the fifth dimension, which is the need to strengthen multilateral cooperation and partnerships to combat human trafficking and prostitution. I want to underline here the interest of the Franco-Swedish strategy for combating human trafficking and sexual exploitation in Europe and around the world.

In conclusion, I would like to salute the work that has been made by Cap International to bring us all together today. It is thanks to these multiple actors' partnerships that we can, collectively ever harder work to support the victims, combat the root causes of sexual exploitation, stop impunity, and help our common fight for effective Human Rights, everywhere and for all. I thank you all.

Ms Claire GUIRAUD

Thank you very much, Madam Ambassador, for your words for CAP, of course, for reminding us of France's long-standing commitment to abolitionism, and also for recalling us of the feminist and human rights issues at stake.

Thank you to all panelists. Thank you for your very excellent insights. As a quick wrap up

- We have heard what sexual exploitation is and what it is to be locked in that system.
- We have heard it is a question of dignity, of gender equality, and more generally, of human rights.

- We have heard key references in terms of international human rights law as strong support to legislation addressing the demand side and abolitionism – and that recognises prostitution as violence against women.
- We have heard the strong commitment of member states and international agencies and experts.
- We have heard the voices of strong survivors and thank you very much to them.
- We also understand the key role that States are playing and we know we can count on the champions to further develop and consolidate their cooperation. We wish it will inspire other States. And you can count on us for being by your side for this.

Thank you to the interpreters. Thank you to the participants.

If some of you are interested in knowing more about abolitionist legislations, whether you are an NGO, whether you are representative of a state, Parliamentarian or Institutions, please feel free to reach out to CAP. We have shared our contacts on the chat. See you soon!

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