

Abolitionist Responses to a Request by United Nations Women  
Regarding UN Women's "Approach to  
Prostitution, the Sex Trade and Sex Work" (2016)



Photo credit: European Women's Lobby, 2013

## Introduction

On 8 September 2016, UN Women released a request for a public *«consultation seeking views on UN Women approach to sex work, the sex trade and prostitution»*.

UN Women says that it does not have an explicit policy position on prostitution, and stated that it was in the process of developing such a position. It stated that »policy development will be grounded in international standards that guide UN Women's work and an international human rights framework, including the Convention on the Elimination of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the 2030 Agenda for Sustainable Development.«

UN Women requested contributions from various people and groups, agencies and organizations which have an interest in this issue including: survivors of prostitution and groups representing them, feminist and women's rights organizations, »sex workers/ sex worker groups«. The views of other UN entities and Member States were also welcomed.

The following questions were asked:

**Question 1)** *The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?*

**Question 2)** *The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as*

- a) reproductive rights*
- b) women's ownership of land and assets*
- c) building peaceful and inclusive societies*
- d) ending the trafficking of women*
- e) eliminating violence against women.*

*How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?*

**Question 3)** *The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?*

**In this document, we have compiled over 50 responses to these questions from NGOs and individuals around the world.**

These responses are listed in alphabetical order, and the first few pages are an index of all the groups who responded to the *«consultation seeking views on UN Women approach to sex work, the sex trade and prostitution»*.

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### **Individual Signatories:**

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**Consultation seeking views on UN Women approach to sex work, the sex trade and  
prostitution  
SUBMISSION  
October 31, 2016**

We, the undersigned, aged from 18 to 68 years old, are surviving and are survivors of the sex trade, including prostitution, as well as survivor leaders in the movement to end violence and discrimination against women and girls. Collectively, we have experienced hundreds of years of abuse, violence, sexual violence, degradation, dehumanization as girls and women exploited in the sex trade, under the eyes of our respective governments. We were exploited and violated by sex buyers, pimps, traffickers and other others who bought us, sold us and profited from our exploitation, with impunity.

**Question 1)** [The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?](#)

We are the women that the U.N., its agencies, governments and society have left behind, with impunity and at great risk to our lives. Many of our sisters around the world have perished in the sex trade, mostly unaccounted for in large part due to the low status our respective countries and cultures have assigned us. To answer your question, we can never, and will never, interpret these principles in relation to “sex work” as you posit, because what we endured at the hands of sex buyers, pimps, brothel owners, traffickers and our other exploiters was neither sex, nor work, but an endless stream of violence, degradation and dehumanization imposed on our bodies and minds.

Examining prostitution within the universality of human rights calls on UN Women to take stock of the respective histories of the U.N.’s member states and remember why the Universal Declaration of Human Rights and other international covenants were signed and ratified. Through these covenants, governments pledge to act as responsible members of an international community that strives to remedy the wrongs created by wars and conflict, violence and discrimination by those who have power over those who do not. Collectively, an overwhelming percentage of prostituted women and girls are Aboriginal, Indigenous, First Nations, or Native to their countries. We are African or of African descent; Latina or of Latin American descent; Asian or of Asian descent; minorities within our own countries, such as Roma or from “Scheduled Castes.” The almost universal colonization of Indigenous peoples had a doubly negative impact on the populations’ women and girls, who suffered the worst kinds of sexual violence and discrimination. If the goals of the 2030 Agenda are to leave no human being behind, then UN Women cannot ponder whether the sex trade is a viable form of employment in the lives of our sisters and daughters.

**Question 2)** [The Sustainable Development Goals \(SDGs\) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as](#)

- a) [reproductive rights](#)
- b) [women’s ownership of land and assets](#)
- c) [building peaceful and inclusive societies](#)
- d) [ending the trafficking of women](#)

e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The only policies that are viable in addressing prostitution within the women's rights framework is for governments to target the demand for prostitution by penalizing sex buyers; to provide comprehensive services to prostituted women and girls and offer them viable exit strategies to leave the sex trade. Prostitution and the targets listed in this question are wholly incompatible with each other and in fact, prostitution destroys every SDGs. Without fully addressing the prostitution of women and girls, we guarantee that the U.N. and its member states will never achieve full justice and rights for women.

It is impossible within the context of prostitution for women to exercise their full rights, to secure reproductive rights, to end the trafficking of women, eliminate violence against women, to secure justice and freedom from exploitation. Prostitution embodies violation and discrimination against women within the aspects of economy, politics, culture and gender. We know of no woman who has developed her full potential or built economic security through prostitution; the minute she is no longer bought, she is bereft of income with no financial security.

A "sex work" model gives state-sanctioned licenses to pimps, brothel owners and sex buyers, which is antithetical to human rights principles and the integrity of international law, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), to name just three conventions.

The 1949 Convention of 1949 articulates specifically that prostitution and trafficking and such slavery like practices "... are incompatible with the dignity and worth of the human person..." Article 6 of CEDAW states that " State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Article 9.5 in the Palermo Protocol calls on State Parties to take measures to discourage the demand that fosters the exploitation of persons that lead to trafficking, meaning that any national or international policies that call for the decriminalization of sex buyers are in direct contravention of the Palermo Protocol.

We urge UN Women to analyze prostitution within these legal contexts, and within the scope of the Universal Declaration of Human Rights, as gender-based sexual abuse and exploitation.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

The vast majority of prostituted persons everywhere are female, and in the cases of women, most have been prostituted and sex trafficked since childhood. Prostitution is by definition an exploitative system of unequal gender relations, which operates to subjugate and oppress women.

Many of us, as the undersigned, work in our communities providing front-line services to women and girls in prostitution. Regardless of our respective jurisdictions and legal frameworks governing prostitution, the harm, violence, stigma and discrimination are the same across the board for all prostituted women and girls. The factors that catapulted us into the sex trade are the ones that we see in the women and girls we serve: poverty, homelessness, childhood sexual violence or incest, racial or ethnic disenfranchisement, vulnerable after conflict or natural disasters, militarization of our regions, and always, an absolute absence of choice. Like us, these women and girls are bought, sold and used with impunity by adult men who are financially, socially and racially privileged in relation to them.

Our expertise shows that the best way to protect women bought and sold in the sex trade is to provide them with the services they urgently require: basic needs for their and their children's survival (food, housing, clothing, medical services, childcare) and tools to help them rebuild their lives (education and training, psychological or psychiatric treatment and counseling, substance abuse rehabilitation). Also critically important is to advocate for laws and policies that exonerate them from police arrest and criminal punishment and instead hold their sex buyers accountable for the irreparable harm they perpetrate.

Although we have rarely, if ever, come across a prostituted woman whose life experience did not include any of the vulnerability factors that are linked to prostitution, we could concede for purposes of this consultation that a microscopic minority might claim that prostitution was a free and clear choice. Our colleagues who work with victims of intimate partner violence might also encounter women who are not capable or ready, for whatever reason, to leave their batterers. In neither case should governments develop laws and policies that exonerate perpetrators because of the so-called choices of these women. Similarly, UN Women is charged with ensuring that governments uphold CEDAW and other conventions that protect the rights of women and girls. Taking a position that would lead to qualifying prostitution as a form of work would violate UN Women's mission and irreparably contradict the principles of the 2030 Agenda. The global, multi-dollar sex trade is linked to organised criminal networks that profit immensely and illegally from the sale of women and girls for sexual acts, and counting on sex buyers to sustain such incalculable profits.

UN Women's mission is to challenge gendered inequalities that violate the fundamental rights of women and girls, through prostitution, sexual exploitation, and sexual abuse. UN Women's role is to support a global women's and girls' rights movement dedicated to creating economic and social conditions and ensuring legal protections for women and girls in order to ensure that they never have to endure the suffering, violence and the denial of dignity that we survived. And if they tragically do, that they accede justice. Our answers here are a call to UN Women and the UN system as a whole to uphold international laws and human rights principles that will prevent and protect all women and girls, including those in prostitution and the sex trade at large.

Please send your input to [consultation@unwomen.org](mailto:consultation@unwomen.org) by 16 October 2016 with the subject title "Written submission".

**Consultation seeking views on UN Women approach to sex work,  
the sex trade and prostitution  
SUBMISSION**

**SIGNATORIES**

1. Joy Ade, Nigeria
2. Genna Alanonay, Lawig Bubai, Philippines
3. Survivor, Colombia
4. Survivor, Colombia
5. Amy Andrews, Survivors Consultation Network, USA
6. Zenaída Aquino, Buklod, Philippines
7. Survivor, Colombia
8. Survivor, Colombia
9. Survivor, Colombia
10. Survivor, Colombia
11. Survivor, Colombia
12. Rose Bantigue, Buklod, Philippines
13. Trisha Baptie, EVE (formerly Exploited Voices now Educating), Canada
14. Rebecca Bender, UK
15. Alisa Bernard, Organization for Prostitution Survivors, USA
16. Suzzan Blac, UK
17. Survivor, Colombia
18. Fiona Broadfoot, Street Exit and SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, UK
19. Alma G. Bulawan, Buklod, Philippines
20. Autumn Burris, Survivors 4 Solutions and SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
21. Ana Luisa Calix, Lawig Bubai, Philippines
22. Joy Camba, Buklod, Philippines
23. Baby Ann Caparas, Buklod, Philippines
24. Vednita Carter, Breaking Free, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
25. Ma. Elida Colocado, Buklod, Philippines
26. Survivor, Colombia
27. Laurin Crosson, Rockstarr Ministries, USA
28. Mixi Cruz, Mexico
29. Karla de la Cuesta, Mexico
30. Ne'cole Daniels, Survivors On The Move, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
31. Pam Davis, USA
32. Deenah, USA
33. Neli Delgado, Mexico
34. Emily Dickson, USA
35. Alina Draganescu, Romania
36. Marie Drouin, Canada

37. Elisa L. Ebrole, Buklod, Philippines
38. Tee Emmanuel, USA
39. Ana Cristina Eredia, Buklod, Philippines
40. Sarahi Esquivel, Mexico
41. Hazel M. Fasthorse, USA
42. Alma Flores, Mexico
43. Marevic Fontanilla, Bagong Kamalayan, Philippines
44. Terry Forliti, Breaking Free, USA
45. Lynrose Formentera, Lawig Bubai, Philippines
46. Tina Frundt, Courtney's House, USA
47. Jennifer Gaines, USA
48. Survivor, Colombia
49. Chelsea Geddes, New Zealand
50. Evelina Giobbe, EMG Consulting, LLC, USA
51. Noel Gomez, Organization for Prostitution Survivors, USA
52. Patricia Gonzalez, Mexico
53. Eutiquia Gutierrez, Mexico
54. Lily Grey, UK
55. Kathi Hardy, Freedom From Exploitation, Survivor Leader Network of San Diego, CEASE Network, USA
56. Rev. Dr. Marian Hatcher, Licensed Chaplain, U.N. Ambassador-Large, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
57. Rosen Hicher, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, France
58. Arely Hernandez, Mexico
59. Survivor, Colombia
60. Jonalyn Hizon, Buklod, Philippines
61. Joan Hizon, Buklod, Philippines
62. Greg Holtmeyer, The Phoenix Project, USA
63. Iryna, USA
64. Crystal Isle, USA
65. Cherie Jimenez, Eva Center, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
66. Jaimee Johnson, Sisters of the Streets, USA
67. Grandville Jones, USA
68. Alika Kinan, Argentina
69. Diana Koppelstätter, Germany
70. Noemi Lara, Mexico
71. Alma Lazović, Bosnia
72. Patricia Leclair, Canada
73. Emma Libeck, Sweden
74. Georgina Lira, Argentina
75. Felicidad Lozano, Lawig Bubai, Philippines
76. Jackie Lynn, Canada
77. Jessica M, Italy
78. Caroline Marceau, USA
79. Diane Martin CBE, Dovetail Initiative, UK

80. Madai Martinez, Mexico
81. Huschke Mau, Germany
82. Survivor, Colombia
83. Christine" Clarity" McDonald, Christine 's Vision, USA
84. Lori McCormic, USA
85. Marie Merklinger, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment)  
International, Germany
86. Evelyn Merza, Buklod, Philippines
87. Robin Miller, Survivor, USA
88. Sofia Mohhamed, Maisha African Women in Germany, Somalia
89. Rogelie Mondejar, Bagong Kamalayan, Philippines
90. Yareli Montiel, Mexico
91. Jeri Moomaw, Washington Engage, USA
92. Rachel Moran, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment)  
International, Ireland
93. Brenda Moreno, Buklod, Philippir
94. Survivor, Colombia
95. Marla Moss, UK
96. Rebecca Mott, UK
97. Movimiento de Mujeres de Nicaragua, Nicaragua
98. Pamela Muñoz, Mexico
99. Jessica Neely, Porn Industry Survivor, USA
100. Maribonet Nicolas, Buklod, Philippines
101. Laurence Noelle, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment)  
International, France
102. Gloria Ode, Nigeria
103. Linda Oluoch, USA
104. Survivor, Colombia
105. Sheira Osas, Maisha African Women in Germany, Nigeria
106. Lory Pabunag, Lawig Bubai, Philippines
107. Survivor, Colombia
108. Survivor, Colombia
109. Survivor, Colombia
110. Ana Laura Perez. Mexico
111. Survivor, Colombia
112. Bridget Perrier, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment)  
International, Canada
113. Carissa Phelps, Runaway Girl, Inc., USA
114. Alexandra (Sandi) Pierce, Othayonih Research, USA
115. Iryana Pop, Romania
116. Brenda Myers Powell, The Dreamcatcher Foundation, USA
117. Survivor, Colombia
118. Annabelle Raguro, Buklod, Philippines
119. Tanja Rahm, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment)  
International, Denmark
120. Annabelle Ramos, Buklod, Philippines

121. Red de Jóvenes contra la Trata y la Demanda de la Prostitución en América Latina y el Caribe
122. Red de Sobrevivientes de la Trata y la Explotación Sexual en México "Las Golondrinas"
123. Renew Foundation Survivors, Philippines
124. Lucylyn F. Reyes, Buklod, Philippines
125. Norma Reyes, Buklod, Philippines
126. Mary Richards, Nigeria
127. Survivor, Colombia
128. Gioia Ruyi, Nigeria
129. Survivor, Colombia
130. Nancy Susi Sanchez, Mexico
131. Sonia Sanchez, Argentina
132. Myles Sanchez, Bagong Kamalayan, Philippines
133. Adelina Sejdini, stateless, formerly Albania
134. Sobrevivientes "Las Golondrinas", Bolivia
135. Survivors, Colombia
136. Sobrevivientes "Las Golondrinas", Paraguay
137. Sobrevivientes "Las Golondrinas", Venezuela
138. Rose Sullivan, Canada

**Survivors, Apne Aap, India**

139. Aasha, Delhi
140. Aarti, Delhi
141. Afsana, Bihar
142. Amrita, Delhi
143. Anita, Delhi
144. Anisha, Delhi
145. Ansare, Delhi
146. Asha, Delhi
147. Bali, Delhi
148. Bharti, Delhi
149. Chasmo, Delhi
150. Deepmala, Delhi
151. Deepmala, Delhi
152. Dhanvash, Delhi
153. Dimple, Delhi
154. Ehanwanti, Delhi
155. Futkari, Bihar
156. Geeta, Delhi
157. Geeta, Delhi
158. Geeta, Delhi
159. Guddi, Delhi
160. Geeta, Delhi
161. Heena, Delhi
162. Jamila, Bihar
163. Jugni, Bihar
164. Junej, Delhi

165.Kajol, Delhi  
166.Kajol, Delhi  
167.Kareena, Delhi  
168.Karina, Delhi  
169.Karina, Delhi  
170.Karishma, Delhi  
171.Kaseema, Delhi  
172.Kushma, Delhi  
173.Madhu, Delhi  
174.Mahi, Delhi  
175.Manisha, Delhi  
176.Manli, Delhi  
177.Mariyam, Bihar  
178.Maya, Delhi  
179.Maya, Delhi  
180.Meenakshi, Delhi  
181.Monika, Delhi  
182.Muskan, Delhi  
183.Naina, Bihar  
184.Neelam, Delhi  
185.Neelam, Delhi  
186.Neelam, Delhi  
187.Nirmala, Delhi  
188.Nishita, Delhi  
189.Nishita, Delhi  
190.Palavi, Delhi  
191.Pallavi, Delhi  
192.Pinki, Delhi  
193.Pooja, Delhi  
194.Pooja, Delhi  
195.Pooja, Delhi  
196.Preeti, Delhi  
197.Priti, Delhi  
198.Priya, Delhi  
199.Priya, Delhi  
200.Puja, Delhi  
201.Raini, Delhi  
202.Rakesha, Delhi  
203.Rani, Delhi  
204.Ravita, Delhi  
205.Reena, Delhi  
206.Raveena, Delhi  
207.Reena, Delhi  
208.Reeta, Delhi  
209.Rekha, Delhi  
210.Ruksana, Bihar  
211.Ruksana, Bihar



212.Sabnam, Bihar  
213.Saiba, Delhi  
214.Saiba, Delhi  
215.Sakeena, Delhi  
216.Sakina, Delhi  
217.Salma, Delhi  
218.Salma, Delhi  
219.Sameena, Delhi  
220.Sangita, Delhi  
221.Santosh, Delhi  
222.Sapna, Delhi  
223.Sapna, Bihar  
224.Savita Delhi  
225.Savita, Delhi  
226.Sarita, Delhi  
227.Seema, Delhi  
228.Shamsina, Bihar  
229.Sheela, Delhi  
230.Shobha, Delhi  
231.Sima, Delhi  
232.Sonam, Delhi  
233.Sulakha, Delhi  
234.Sunita, Delhi  
235.Taniya, Delhi  
236.Tharun, Bihar  
237.Vikesh, Delhi  
238.Vikesh, Delhi  
239.Vimla, Delhi  
240.Umesh Bai, Delhi  
241.Resham Bai, Delhi  
242.Rani Bala, Delhi  
243.Bijli Banjara, Bihar  
244.Resham Bai, Delhi  
245.Ashma Begam, Kolkata  
246.Mumtaz Begam, Kolkata  
247.Anisha Bibi, Kolkata  
248.Anjali Das, Kolkata  
249.Archana Das, Kolkata  
250.Lakhi Das, Kolkata  
251.Parbati Das, Kolkata  
252.Saptami Das, Kolkata  
253.Shyamali Das, Kolkata  
254.Arsha Kaur Deep, Delhi  
255.Mem Deni, Delhi  
256.Aarti Devi, Bihar  
257.Aarti Devi, Bihar  
258.Aasha Devi, Bihar

259. Bachhchhi Devi, Bihar  
260. Badri Devi, Bihar  
261. Bhagwanti Devi, Kolkata  
262. Bhatuli Devi, Delhi  
263. Chhoti Devi, Bihar  
264. Chotki Devi, Bihar  
265. Gulabi Devi, Bihar  
266. Gunja Devi, Bihar  
267. Kavita Devi, Bihar  
268. Lachhi Devi, Bihar  
269. Leela Devi, Bihar  
270. Leela Devi, Bihar  
271. Madina Devi, Bihar  
272. Maitun Devi, Bihar  
273. Manisha Devi, Bihar  
274. Manju Devi, Bihar  
275. Manju Devi, Bihar  
276. Meena Devi, Kolkata  
277. Punam Devi, Bihar  
278. Rani Devi, Bihar  
279. Rani Devi, Bihar  
280. Rausan Devi, Bihar  
281. Reeta Devi, Bihar  
282. Rekha Devi, Bihar  
283. Renu Devi, Bihar  
284. Ritiya Devi, Bihar  
285. Rukmani Devi, Kolkata  
286. Sajriya Devi, Bihar  
287. Salla Devi, Bihar  
288. Sangita Devi, Bihar  
289. Sarita Devi, Bihar  
290. Satariya Devi, Bihar  
291. Savitri Devi, Bihar  
292. Seema Devi, Bihar  
293. Shila Devi, Kolkata  
294. Shobha Devi, Bihar  
295. Shobha Devi, Bihar  
296. Sita Devi, Kolkata  
297. Siwani Devi, Bihar  
298. Sona Devi, Kolkata  
299. Sudama Devi, Bihar  
300. Sunita Devi, Bihar  
301. Tetri Devi, Bihar  
302. Aras Deep Kaur, Delhi  
303. Anita Khatun, Bihar  
304. Anju Khatun, Bihar  
305. Anwari Khatun, Bihar

306.Bano Khatun, Bihar  
 307.Chand Khatun, Bihar  
 308.Dukhni Khatun, Bihar  
 309.Fatima Khatun, Bihar  
 310.Gulshan Khatun, Bihar  
 311.Hajjo Khatun, Bihar  
 312.Lalita Khatun, Bihar  
 313.Manita Khatun, Bihar  
 314.Mehnaj Khatun, Bihar  
 315.Mehrun Khatun, Bihar  
 316.Munni Khatun, Bihar  
 317.Nagma Khatun, Bihar  
 318.Neha Khatun, Bihar  
 319.Nurejan Khatun, Bihar  
 320.Raushan Khatun, Bihar  
 321.Rushana Khatoon, Kolkata  
 322.Sajjo Khatun, Bihar  
 323.Salma Khatun, Bihar  
 324.Sangita Khatun, Bihar  
 325.Shabanam Khatun, Bihar  
 326.Shabnam Khatun, Bihar  
 327.Shayama Khatun, Bihar  
 328.Pardeep Mala, Delhi  
 329.Deep Mala, Delhi

**Survivors, Embrace Dignity, South Africa**

330.Anonymous  
 331.Nequita  
 332.Portia  
 333.Veronica  
 334.Anthea Adams  
 335.Nomhle Bonzo  
 336.Natasha Dalains  
 337.Vuyiseka Dlaz  
 338.Monica Dyanti  
 339.Nadia Fester  
 340.Portia Gidani  
 341.Thembakazi Khwezi  
 342.Phindiswa Klaas  
 343.Joyce Kutwana  
 344.WendyLupuwana  
 345.Lindi Mafamba  
 346.Zingisa Magqaza  
 347.Pamela Mahobe  
 348.Anita Makeleni  
 349.Khalipha Mandindi  
 350.Pamela Maneli  
 351.Nomthandazo Manzini

- 352.Nandipha Maqabela
- 353.Nomakhosi Maqobola
- 354.Wendy Mbeka
- 355.Dakie Mdidimba
- 356.MickeyMeji
- 357.Listia Thandiswa Memani
- 358.Nolusindiso Mfuleni
- 359.Khuthazwa Mgwadleka
- 360.Thembeka Mhambi
- 361.Nopinki Mkiva
- 362.Luleka Mkosi
- 363.MandyMnyanda
- 364.Lungiswa Mohamed
- 365.Cynthia Morris
- 366.Sibongile Mthirara
- 367.Pumza Mtirara
- 368.Amanda Mtshakazana
- 369.Zandisa Mzamo
- 370.Nozuko Ndwanya
- 371.Thandile Ndzube
- 372.Monica Nongqongqo
- 373.Ntando Noyi
- 374.Thumeka Ntame
- 375.Nondumiso Ntsilite
- 376.Noluthando Nyama
- 377.Nosiphiwo Nyandeni
- 378.Natasha Petersen
- 379.Vredeline Ritz
- 380.Phalie Siswaba
- 381.Elzan Snell
- 382.Nokulunga Sotonoloshe
- 383.Nomathamsanqa Thema
- 384.Helen Van Wyk
- 385.Nomsindelo Vena
- 386.Nozuko Zamani
- 387.Lucy Vyver
  
388. Survivors, Talita, Sweden
389. Chris Stark, USA
390. Survivor, Colombia
391. Lisa-Marie Taylor, FiLiA London, UK
392. Melanie Thompson, USA
393. Anna Travers, UK
394. Eunice Unoma, Nigeria
395. Survivor, Colombia
396. Sabrinna Valisce, New Zealand
397. Cheyenne de Vecchis, Italy

- 398. Denisse Velazquez, Mexico
- 399. Survivor, Colombia
- 400. Simone Watson, Nordic Model Australia Coalition, Australia
- 401. Jeanette Westbrook, SPACE (Survivors of Prostitution-Abuse Calling for Enlightenment) International, USA
- 402. Vosiney Wiley, USA
- 403. Rachel Wilson, UK
- 404. Blessing X, Nigeria
- 405. Serah Yeaboh, Maisha African Women in Germany, Ghana
- 406. Janna Zinaida, Russia

***Consulta para recabar apreciaciones sobre el enfoque de ONU Mujeres respecto del trabajo sexual, el comercio sexual y la prostitución***

**RESPUESTA**

Nosotras, las mujeres que hemos sobrevivido o estamos sobreviviendo la industria del sexo, incluyendo la prostitución y líderes en el movimiento en contra de la violencia y discriminación contra las mujeres y las niñas, colectivamente, hemos experimentado cientos de años de abuso, violencia, violencia sexual, degradación, deshumanización como niñas y mujeres explotadas en la industria del sexo, bajo la tolerancia de nuestros gobiernos. Hemos sido explotadas y violadas por los compradores de sexo, los proxenetas, los traficantes y otros quienes nos han vendido, comprado y beneficiado de nuestra explotación, con impunidad.

***Pregunta1***

La agenda 2030 se compromete con el principio de universalidad, los derechos humanos y no dejar a nadie atrás. ¿Cómo interpreta estos principios en relación con el trabajo sexual, el comercio sexual o la prostitución?

Nosotras somos las mujeres que Naciones Unidas, sus agencias, los gobiernos y la sociedad, han dejado de lado con impunidad poniendo en gran riesgo nuestras vidas. Muchas de nuestras hermanas alrededor del mundo han muerto en la industria del sexo y sus muertes no han sido documentadas en gran parte debido al bajo estatus que nos asignan nuestros países y culturas. Para responder esta pregunta, nunca podremos interpretar estos principios en relación al “trabajo sexual”, como ustedes lo proponen, porque nosotras hemos sufrido en las manos de los compradores de sexo, los proxenetas, los dueños de los establecimientos, los traficantes y otros explotadores algo que ni era sexo, ni trabajo, sino una cadena de violencias, degradación y deshumanización interminable, impuesta sobre nuestros cuerpos y mentes.

Examinar la prostitución desde la perspectiva de la universalidad de los derechos humanos, implica que ONU Mujeres haga memoria de las historias de los miembros de Naciones Unidas, y recuerde por qué fueron firmados y ratificados La Declaración Universal de los Derechos Humanos y otros convenios internacionales. A través de estos convenios, los gobiernos prometen actuar como miembros responsables de la comunidad internacional que lucha por dar remedio a los males derivados de las guerras, el conflicto, la violencia y la discriminación por aquellos que tienen el poder sobre aquellos que no. Colectivamente, y de forma apabullante, gran parte de las niñas y mujeres prostituidas son indígenas, aborígenes, o “primeras naciones” de sus países. Somos Africanas o de ascendencia Africana; Latinas o de ascendencia Latina; Asiáticas o de ascendencia Asiática; minorías dentro de nuestros países como Pueblos Rom, o de “Ciertas Castas”.

La colonización casi universal de los pueblos indígenas ha tenido un impacto doblemente negativo en las poblaciones de mujeres y niñas quienes han sufrido las peores violencias sexuales y discriminación basada en género. Si las metas de la Agenda 2030 son no dejar a

nadie atrás, entonces ONU Mujeres no puede reflexionar si la industria de sexo es una forma viable de empleo en la vida de nuestras hermanas e hijas.

### **Pregunta2**

Los Objetivos de Desarrollo Sostenible (ODS) se proponen alcanzar la igualdad de género y el empoderamiento para todas las mujeres y las niñas. Asimismo, los ODS incluyen numerosas metas relativas al empoderamiento de las mujeres, tales como: a) derechos reproductivos; b) acceso a la propiedad de tierra y bienes; c) desarrollo de sociedades pacíficas e inclusivas; d) erradicación de la trata de mujeres; y e) poner fin a la violencia contra las mujeres. ¿Cómo sugiere que las políticas sobre trabajo sexual/comercio sexual/prostitución pueden promover dichas metas y dichos propósitos?

Las únicas políticas que son viables para trabajar sobre la problemática de la prostitución dentro de los derechos de las mujeres, es que los gobiernos se dirijan a la demanda de la prostitución a través de penalizar a los compradores de sexo. Deben ofrecer servicios completos para que las mujeres y niñas prostituidas puedan encontrar estrategias de salida viables para dejar la industria de la prostitución. La prostitución y las metas de esta pregunta son absolutamente incompatibles entre sí, y de hecho, la prostitución destruye cada uno de los ODS. Sin no se trabaja profundamente sobre la prostitución de mujeres y niñas, le garantizamos a las Naciones Unidas y a todos sus Estados Miembros, que nunca lograrán la justicia total y los derechos de las mujeres.

Es imposible que en el contexto de la prostitución, las mujeres puedan ejercer sus derechos plenos, asegurar sus derechos reproductivos para eliminar la trata de mujeres, eliminar la violencia contra las mujeres, y asegurar la justicia y la libertad de toda explotación. La prostitución encarna la violación y discriminación contra las mujeres en aspectos económicos, políticos, culturales y de género. No conocemos a mujer alguna que haya desarrollado su potencial total o que haya construido una seguridad económica a través de la prostitución. Desde el momento en que deja de ser comprada, carece de ingresos y de seguridad financiera.

Un modelo de “trabajo sexual” le da licencia a los proxenetas, dueños de establecimientos y compradores de sexo, lo cual es antiético con los principios de los derechos humanos y con la integridad del derecho internacional, incluyendo la Convención para la represión de la trata de personas y de la explotación de la prostitución ajena (Convenio de 1949), Convención Sobre la Eliminación de todas las Formas de Discriminación contra la Mujer (Cedaw), El Protocolo para Prevenir, Reprimir y Sancionar la Trata de Personas, especialmente mujeres y niños, que Complementa la Convención De Las Naciones Unidas Contra La Delincuencia Organizada Transnacional, solo para nombrar tres convenciones.

La convención de 1949 afirma que la prostitución y la trata de personas and otras practicas similares a la esclavitud “... son incompatibles con la dignidad y el valor de la persona humana...”. El artículo 6 de CEDAW afirma que “Los Estados Partes tomarán todas las medidas apropiadas, incluso de carácter legislativo, para suprimir todas las formas de trata de mujeres y explotación de la prostitución de la mujer”. El artículo 9.5 del Protocolo de Palermo busca que los Estados Partes tomen medidas para desalentar la demanda que

alimenta la explotación de personas y que lleva a la trata, con lo cual cualquier política nacional o internacional que busca la descriminalización de los compradores de sexo, está en directa contravención del Protocolo de Palermo.

Urgimos a ONU Mujeres para que analice la prostitución dentro de estos contextos legales, y dentro del marco de la Declaración Universal de los Derechos Humanos, como un abuso sexual y explotación basada en género.

### Pregunta 3

**El comercio sexual presenta un sesgo de género. ¿De qué manera podemos proteger a las mujeres del daño, la violencia, el estigma y la discriminación presentes en dicho comercio?**

La gran mayoría de personas prostituidas en todas partes son de género femenino, y en el caso de mujeres, casi todas han sido prostituidas o traficadas sexualmente desde su niñez. La prostitución por definición es un sistema de explotación de relaciones desiguales de género, que opera para subyugar y oprimir a las mujeres.

Muchas de nosotras firmantes, trabajamos en nuestras comunidades ofreciendo servicios de primera mano a niñas y mujeres en la prostitución. Independientemente de nuestras jurisdicciones y marcos legales sobre prostitución, el daño, la violencia, el estigma y la discriminación son los mismos para todas las mujeres y niñas en prostitución. Los factores que nos catapultaron a la industria del sexo, son las que vemos en la mujeres con quienes trabajamos: pobreza, abandono, violencia sexual en la niñez o incesto, desempoderamiento racial o étnico, vulnerabilidad postconflicto o por desastres naturales, militarización de nuestras regiones, y siempre, la falta de oportunidades. Como nosotras, estas mujeres y niñas son vendidas, compradas y usadas con impunidad por hombres adultos que son económica, social y racialmente privilegiados con relación a ellas.

Nuestra experticia demuestra que la mejor forma de proteger a las mujeres compradas y vendidas en la industria del sexo, es proveyéndoles con los servicios que requieren urgentemente: necesidades básicas para su sobrevivencia y la de sus hijos (alimento, techo, ropa, servicios médicos, cuidado de sus hijos) and herramientas para ayudarles a reconstruir sus vidas (educación y entrenamiento, tratamiento y apoyo psicológico o psiquiátrico, y rehabilitación del abuso de sustancias). También es fundamental trabajar por leyes y políticas que las exoneren del arresto de la policía y los castigos criminales, mientras si hacen que los compradores de sexo respondan por el daño irreparable que han perpetrado.

Aunque raramente, si alguna vez, nos hemos cruzado con una mujer en la prostitución cuya experiencia de vida no incluyera alguno de los factores de vulnerabilidad que están relacionados con la prostitución, podríamos conceder para los propósitos de esta consulta que se trata de una minoría microscópica para quien la prostitución fue una escogencia libre y clara. Nuestras colegas que trabajan con victimas de violencia doméstica también encuentran que las mujeres no son capaces o no están listas, por múltiples razones, para dejar a sus abusadores. En ninguno de los casos, los gobiernos deberían desarrollar leyes y políticas que exoneren a los perpetradores, basados en el supuesto consentimiento de las mujeres. De igual manera, ONU Mujeres está a cargo de asegurarse de que los gobiernos cumplan con CEDAW y otras convenciones que protegen los derechos de mujeres y niñas. Tomar una posición que lleve a cualificar la prostitución como una forma de trabajo, violaría



la misión de ONU Mujeres e iría en contradicción irreparable con los principios de la Agenda 2030. La industria multimillonaria del sexo global, está vinculada a redes criminales organizada que se lucran inmensamente y de forma ilegal de la venta de mujeres y niñas para actos sexuales, y cuentan con los compradores de sexo para sostener semejantes ganancias incalculables.

La misión de ONU Mujeres es retar las inequidades de género que violan los derechos fundamentales de las mujeres y las niñas, por la prostitución, la explotación sexual y el abuso sexual. El rol de ONU Mujeres es el de apoyar el movimiento global de mujeres y niñas que se dedica a crear condiciones económicas y sociales, así como protecciones legales para las mujeres y niñas, para que nunca tengan que padecer el sufrimiento, la violencia y la negación de su dignidad, que nosotras sobrevivimos. Y si trágicamente lo padecen, que tengan acceso a la justicia. Nuestras respuestas a esta consulta, son un llamado a ONU Mujeres y al sistema de Naciones Unidas como un todo, para que defienda las leyes internacionales y los principios de derechos humanos que van a prevenir y proteger a todas las mujeres y niñas, incluyendo a las que están en la prostitución y la industria del sexo.

**Consultation d'opinion sur l'approche d'ONU Femmes concernant le travail sexuel, le  
commerce sexuel et la prostitution  
ÉBAUCHE DE MÉMOIRE**

Nous soussignées sommes à la fois des femmes qui survivent et des survivantes l'industrie du sexe, y compris de la prostitution, et des leaders du mouvement visant à mettre fin à la violence et la discrimination infligées aux femmes et aux filles. Nous avons collectivement vécu des centaines d'années d'abus, de violence, de violence sexuelle, d'avilissement et de déshumanisation en tant que filles et que femmes exploitées dans le commerce du sexe, au vu et au su de nos gouvernements respectifs. Nous avons été exploitées et violées par des acheteurs de sexe, des proxénètes, des trafiquants et d'autres personnes qui nous ont achetées, vendues et ont tiré profit de notre exploitation, en toute impunité.

**Question 1)** Le programme Horizon 2030 s'attache à l'universalité, aux droits humains et à la prise en compte de tous. Comment interprétez-vous ces principes dans le cadre du travail/commerce sexuel ou de la prostitution ?

Nous sommes les femmes que l'ONU, ses agences, les gouvernements et la société ont laissées pour compte, impunément et à grand risque pour nos vies. Partout au monde, un grand nombre de nos sœurs ont péri dans le commerce du sexe, sans laisser de traces en raison du statut déprécié que nous ont assigné nos divers pays et cultures. En réponse à votre question, nous ne pouvons jamais et n'allons jamais interpréter ces principes en termes de « travail sexuel » comme vous dites. En effet, ce que nous avons subi aux mains des acheteurs de sexe, des proxénètes, des propriétaires de bordels, des trafiquants et de nos autres exploiters n'était ni du sexe, ni du travail, mais un flot infini de violences, d'avilissement et de déshumanisation imposés à nos corps et nos esprits.

Le projet d'examiner la prostitution dans le cadre universel des droits humains exige d'ONU Femmes qu'elle tienne compte des antécédents historiques des États membres de l'ONU et qu'elle se remémore pourquoi ont été signées et ratifiées la Déclaration universelle des droits de l'homme et d'autres ententes internationales. Par ces accords, des gouvernements se sont formellement engagés à agir en membres responsables d'une communauté internationale qui s'efforce de pallier les torts créés par les guerres et les conflits, ainsi que la violence et la discrimination infligées par les détenteurs de pouvoirs à celles et ceux qui n'ont pas ces pouvoirs. Au plan collectif, une énorme proportion des femmes et des filles prostituées sont d'origines autochtone, indigène, des Premières nations ou natives de leur pays. Nous sommes africaines ou de descendance africaine, latinas ou de descendance latino-américaine, asiatiques ou de descendance asiatique ; nous sommes des minorités dans nos propres pays, comme les Roms ou les femmes de « castes répertoriées ». La colonisation quasi universelle des peuples indigènes a un double impact négatif sur les femmes et les filles de ces populations, qui ont subi les pires formes de violence et de discrimination sexuelles. Si l'on veut que les objectifs du programme 2030 n'abandonnent aucun être humain, il est clair qu'ONU Femmes ne peut envisager de considérer le commerce du sexe comme une forme viable d'emploi pour nos sœurs et nos filles.

**Question 2)** Les Objectifs de développement durable (ODD) ont pour ambition de parvenir à l'égalité des sexes et d'autonomiser les femmes et les filles. Les ODD comprennent également plusieurs cibles relatives à l'autonomisation des femmes, telles que :

- a) les droits reproductifs
- b) l'accès des femmes aux terres et aux biens
- c) le développement de sociétés paisibles et inclusives
- d) l'élimination du trafic des femmes
- e) l'élimination de la violence à l'égard des femmes.

Selon vous, comment les politiques relatives au travail, au commerce sexuel et à la prostitution peuvent-elles favoriser ces cibles et ces objectifs ?

Les seules politiques viables face à la prostitution dans une perspective de droits des femmes sont pour les gouvernements de cibler la demande prostitutionnelle en pénalisant les acheteurs de sexe, de fournir des services complets aux femmes et aux filles prostituées et de leur offrir des stratégies viables de sortie de l'industrie du sexe. La prostitution est tout à fait incompatible avec chacune des cibles énumérées dans cette question ; en fait, elle entrave chacun des ODD. Si l'ONU et ses États membres ne s'attaquent pas directement à la prostitution des femmes et des filles, nous sommes convaincus qu'ils n'arriveront jamais à instituer une justice et des droits complets pour les femmes.

Dans le contexte de la prostitution, il est impossible pour les femmes d'exercer leurs pleins droits, de garantir leurs droits reproductifs, de mettre fin au trafic des femmes, d'éliminer la violence à leur égard et de leur offrir la justice et la liberté de toute exploitation. La prostitution enchâsse la violation et la discrimination à l'égard des femmes dans les domaines de l'économie, de la politique, de la culture et du genre. Nous ne connaissons aucune femme qui a su développer son plein potentiel ou acquérir une sécurité économique par la prostitution ; dès qu'elle cesse d'être achetée, elle se retrouve sans revenu et sans sécurité financière.

Un modèle de « travail sexuel » fournit des permis sanctionnés par l'État aux proxénètes, aux propriétaires de bordel et aux acheteurs de sexe. Cela contrevient à des principes de droits humains et à l'intégrité du droit international, notamment la Convention pour la suppression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui (ou Convention de 1949), la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes (CEDAW), et le Protocole visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants (ou Protocole de Palerme), pour ne nommer que trois de ces instruments.

La Convention de 1949 énonce spécifiquement que la prostitution et la traite sont des pratiques semblables à l'esclavage qui « sont incompatibles avec la dignité et la valeur de la personne ». Aux termes de l'article 6 de la CEDAW, les États Parties prennent toutes les mesures appropriées, y compris des dispositions législatives, pour supprimer, sous toutes leurs formes, le trafic des femmes et l'exploitation de la prostitution des femmes. L'article 9.5 du Protocole de Palerme appelle les États Parties à adopter des mesures pour décourager la demande qui favorise l'exploitation des personnes aboutissant à la traite. Cela

signifie que toute politique nationale ou internationale qui appelle à la décriminalisation des acheteurs de sexe contrevient directement au Protocole de Palerme.

Nous exhortons ONU Femmes à analyser la prostitution à l'aune de ce contexte juridique et dans le cadre de la Déclaration universelle des droits de l'homme, comme forme sexo-spécifique de violence et d'exploitation sexuelle.

**Question 3)** Le commerce sexuel est sexo-spécifique. Quelle est la meilleure manière de protéger de la violence, de la stigmatisation et de la discrimination les femmes qui sont impliquées dans ce commerce ?

L'immense majorité des personnes prostituées dans le monde sont de sexe féminin et, dans le cas des femmes adultes, la plupart ont été vendues et soumises au trafic depuis leur enfance. La prostitution est par définition un système qui exploite des relations inégales de genre et dont le fonctionnement subjugue et opprime les femmes.

Nous soussignées sommes plusieurs à œuvrer dans des services de premier recours pour les femmes et les filles qui sont dans la prostitution. Malgré les différences entre nos territoires et nos cadres juridiques, nous constatons que les torts, la violence, la stigmatisation et la discrimination sont identiques pour l'ensemble des femmes et des filles prostituées. Les facteurs qui ont catapulté dans l'industrie du sexe plusieurs d'entre nous sont ceux que nous constatons chez les femmes et les filles que nous servons : la pauvreté, le sans-abrisme, les molestations et l'inceste dans l'enfance, la discrimination raciale ou ethnique, la vulnérabilité après des conflits ou des désastres naturels, la militarisation de nos régions et, toujours, une absence absolue de choix. Ces femmes et ces filles sont, comme nous l'avons été, achetées, vendues et exploitées impunément par des hommes adultes disposant contre elles de privilèges financiers, sociaux et raciaux.

L'expérience nous a enseigné que la meilleure façon de protéger les femmes achetées et vendues dans l'industrie du sexe consiste à répondre à leurs besoins les plus urgents, soit des éléments de survie pour elles et pour leurs enfants (aliments, logis, vêtements, services médicaux, services de garde) et des outils pour les aider à reconstruire leur vie (instruction et formation, traitements et conseils psychologiques ou psychiatriques, réadaptation post-toxicomanie). Il est aussi extrêmement important de réclamer des lois et des politiques qui leur évitent toute arrestation ou sanction, mais tiennent plutôt leurs acheteurs redevables des torts irréparables qu'ils infligent.

Même si nous n'avons presque jamais rencontré de femmes prostituées dont le vécu ne comprenait pas l'un des facteurs de vulnérabilité précités, nous pourrions concéder, aux fins de cette consultation, qu'une minorité microscopique pourrait prétendre que la prostitution a été pour elles un choix libre et éclairé. Nos collègues qui œuvrent auprès de victimes de violence par un conjoint peuvent aussi rencontrer des femmes qui n'arrivent pas à quitter leur agresseur ou n'y sont pas prêtes, pour une raison ou une autre. Mais des gouvernements ne devraient jamais s'autoriser des prétendus choix de ces femmes pour adopter des politiques qui exonèrent ces hommes. De manière identique, ONU Femmes a le mandat de veiller à ce que les gouvernements respectent la CEDAW et les autres accords de protection des droits des femmes et des filles. Adopter une position qui conduirait à qualifier la prostitution comme une forme de travail serait transgresser la mission d'ONU Femmes et contredire irrévocablement les principes du programme de 2030. L'industrie mondiale et

multimilliardaire du sexe est liée à des réseaux criminels qui tirent d'immenses profits illégaux de la vente de femmes et de filles à des fins sexuelles et qui comptent sur les acheteurs de sexe pour entretenir ces profits incalculables.

ONU Femmes a pour mission de contester les inégalités sexo-spécifiques qui violent les droits fondamentaux des femmes et des filles par la prostitution, l'exploitation sexuelle et la violence sexuelle. Le rôle d'ONU Femmes est d'appuyer un mouvement mondial de défense des droits des femmes et des filles, voué à créer des conditions économiques et sociales et à instaurer des mesures juridiques de protection des femmes et des filles, afin que celles-ci n'aient jamais à subir la souffrance, la violence et le déni de dignité auxquels nous avons survécu. Et si elles connaissent ce sort tragique, de veiller à ce qu'elles aient accès à la justice. Nous exhortons donc ONU Femmes et tout le système de l'ONU à faire respecter les lois internationales et les principes de droits humains, en vue d'un effet préventif et protecteur pour l'ensemble des femmes et des filles, y compris celles qui sont dans la prostitution et dans l'industrie du sexe en général.

[Veuillez envoyer votre contribution à consultation@unwomen.org](mailto:consultation@unwomen.org) avant le 16 octobre 2016 en indiquant en objet « Proposition écrite ».

Written submission by The Foundation 1000 Möjligheter (1000 Opportunities) in Sweden to UN Women's consultation regarding prostitution

*The Foundation 1000 Möjligheter is open for young people up to the age of 25 of all genders and specialises in supporting young people in prostitution. The organization has a national chat-helpline which provide support and help for young people in prostitution and also runs a therapeutic centre in Stockholm where young people in prostitution can get help, advice and therapy.*

*This submission and our position on this issue is completely based on our work with young people in prostitution and their experiences shared with us. They are of all ages varying from 14-25. Some of them identify as men and some as transgendered, the majority identify as girls and women. Many of them are LGBTQ.*

*More on our work can be found in this report:*

*[http://unizon.se/sites/default/files/media/pornography\\_and\\_prostitution\\_report\\_unizon\\_2016.pdf](http://unizon.se/sites/default/files/media/pornography_and_prostitution_report_unizon_2016.pdf)*

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Women have the right not to be bought, sold, exploited or trafficked in prostitution. The United Nations (UN) and countries all over the world have over and over again confirmed that prostitution is a form of violence against women, an obstacle to gender equality and a crime against women's human rights. The UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others states 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 (...)" The UN Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) states that state parties "shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". Since its' adoption in 1979 the CEDAW has been reaffirmed every year by the Commission of the Status of Women (CSW) as well as at other UN conferences.

Prostitution is also utterly incompatible with the Sustainable Development Agenda and values of universality. To refer to prostitution as "work" or as a "trade" is the same thing as leaving thousands of persons in prostitution all over the world behind. To use words such as "work" or "trade" in relation to prostitution is to counteract universal and agreed language that defines prostitution as a crime against human rights and all of the above mentioned conventions.

Eriksbergsgatan 46  
 11430 Stockholm  
 Sweden  
[info@1000mojligheter.se](mailto:info@1000mojligheter.se)  
 +46(0)701-434247

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

None of the targets mentioned can be fully achieved as long as women are bought, sold, trafficked and exploited in prostitution. The standalone goal of gender equality in the 2030 Agenda requires common efforts to fight prostitution and trafficking.

a) Reproductive rights

Target 5.6 on reproductive rights in the 2030 Agenda refers to the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action (BPA), both of which have clear positions on prostitution. The Programme of Action of ICPD defines reproductive health as *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."* The Programme thereafter continues to say that reproductive health *"therefore implies that people are able to have a satisfying and safe sex life."* Being in prostitution and facing violence, threats and other risks in the sex industry is highly contradictory to this definition of reproductive rights. On prostitution the Programme of Action of ICPD states that countries *"should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes"*. Similar formulations on reproductive rights and prostitution can be found in the BPA.

b) Building peaceful and inclusive societies

Target 16.2 of the 2030 Agenda urges states to *"end abuse, exploitation, trafficking and all forms of violence against and torture of children"*. This target is closely tied to the issue of trafficking since many women entered prostitution as children and a majority of them have been trafficked for sexual purposes. Target 16.1 that also can be found under the goal on peaceful and inclusive societies requires states to *"reduce all forms of violence and related death rates."* In order to achieve this target states need to reduce prostitution. Persons in prostitution face a mortality rate 10 to 40 times above the average population<sup>1</sup>.

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<sup>1</sup> <http://www.womenlobby.org/18-myths-on-prostitution-read-and-share-EWL-awareness-raising-tool?lang=en>

### c) Ending the trafficking of women

Trafficking in human beings is interlinked with prostitution at all levels. Prostitution fuels the global trafficking industry both by driving the demand and because sexual purposes is the most common reason that women are trafficked. A majority of the persons in prostitution have been trafficked. It is impossible to fight trafficking without fighting prostitution. Prostitution and trafficking are also addressed in combination to each other in documents such as the CEDAW, the BPA, the Programme of Action of the ICPD and many others.

### d) Elimination violence against women

Since it is established that prostitution in itself is a form of violence against women it would be impossible to meet the target in question if prostitution would be referred to as "work" or as "a trade". In order to eliminate violence against women, sex purchase need to continue to be recognized as a crime. By default, women in prostitution needs to continue to be defined as "victims of a crime" and never as "workers".

A clear position on prostitution as a crime against women's human rights, and not as a "trade" or "work", is also a precondition for reaching many other goals and targets in the 2030 Agenda. For example:

#### *Goal 1 - End poverty in all its forms everywhere.*

Prostitution is closely linked to prostitution since almost all persons in prostitution are poor.

#### *Target 3.3 - End the epidemics of AIDS (...) and other communicable diseases.*

Persons in prostitution face a 12 times greater risk of being infected by AIDS and other communicable diseases (UNAIDS, 2014). In order to fight the spread of HIV/AIDS among persons in prostitution we need to fight prostitution which apart from being a crime against women's human rights is an arena for spreading of infections.

#### *Goal 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.*

Prostitution and trafficking is a form of violence, a crime against women's human rights and also an obstacle to gender equality. Needless to say, prostitution is a contradiction to decent work. As long as women are trapped in prostitution the goal on full and decent employment can never be reached.

#### *Target 10.7 - Facilitate orderly, safe, regular and responsible migration and mobility for all people.*

A majority of persons in prostitution have been trafficked into the industry. But even apart from that an overwhelming majority of women in prostitution are migrants and immigrants. Prostitution and trafficking is therefore an obstacle to safe and responsible migration and mobility.



Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Firstly there is no such thing as a "sex trade". What we have is a global industry that buys, sells, exploits and traffics women. The best way to protect women from harm, violence, stigma and discrimination is to prevent them from being drawn in to prostitution in the first place and after that to help them exit prostitution.

The most effective way to combat prostitution and trafficking is to target the demand, also known as the buyer. Best practice on how to target demand is found in countries like Sweden, Norway, Iceland and France where sex purchase is criminalized. In other words it is illegal to buy sex but not to sell sex.

This method have reduced street prostitution by half in Sweden<sup>2</sup>, while no more stigma have been put on the women still in prostitution. The women in prostitution are victims of a crime and should receive protection and support as well as exit programs. Sweden is also a much smaller market for trafficking in persons than other comparable countries. The Swedish sex purchase act is broadly supported by persons in prostitution, social workers and the police.

The other option, to recognize prostitution as "work" and as a "trade" would not only be a breach against agreed language and several UN conventions and documents; it would also be a way to leave thousands of women and girls behind.

Prostitution can never be "work". It has occupational hazards<sup>3</sup> that few other jobs come close to: 82 percent of people in prostitution have been physically assaulted, 83 percent have been threatened with a weapon, 68 percent meet the criteria for Post-Traumatic Stress Disorder in the same range as victims of torture and 68 percent have been raped. The death rate<sup>4</sup> among women in prostitution is higher than for any other group of women, including homeless women and drug addicts. Prostitution is mere violence and exploitation and is incomparable with any form of work.

The few countries that have decided to legalize sex purchase with the argument that it would be easier to control the industry if it is regulated have utterly failed. Very few women are registered as "workers" and the stigma against women in prostitution has not been reduced. In Germany for example, only 1 percent of persons in prostitution are registered as "sex workers." When the German state's official inquiry asked why, many women in prostitution replied that they hoped to get out of prostitution as soon as they could and that

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<sup>2</sup> <http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

<sup>3</sup> <https://archive.is/zUwm>

<sup>4</sup> <http://aje.oxfordjournals.org/content/159/8/778.full>

they did not want to see it as more than a temporary solution<sup>5</sup>. Moreover, the so called “sex worker organizations” are run by the sex industry itself; pimps, brothel owners and escort services. The interests of these groups are to legalize all aspects of the sex industry through the labelling of prostitution as “work.”

Zandra Kanakaris  
Secretary General

**STIFTELSEN  
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MÖJLIGHETER**

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<sup>5</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal\\_government\\_report\\_of\\_the\\_impact\\_of\\_the\\_act\\_regulating\\_the\\_legal\\_situation\\_of\\_prostitutes\\_2007\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf)

# ABOLITION 2014 FÜR EINE WELT OHNE PROSTITUTION

**Joint submission to UN Women by Abolition 2014, Kofra and Initiative Stop Sexkauf.**

Kofra – Kommunikationszentrum für Frauen is a women's advocacy centre. Stop Sexkauf and Abolition 2014 are secular and feminist, advocating for the abolishment of prostitution via viable support for women in prostitution and the penalization of the buyer, as he sustains this industry.

Germany has become a showcase of implementing the sex industry's demands – while some municipalities reserved some regulations, cities like Berlin embraced a full decriminalisation – and offers a grim view of the future of an unfettered sex industry.

We insist on the full decriminalisation of those in prostitution and a zero tolerance approach to pimping and trafficking. We educate and raise awareness of what prostitution does to the prostituted and of the impact of a state-endorsed sex trade on the equality of women and men.

We are honoured to submit our position – informed by exited women and by witnessing 15 years of a state policy of prostitution as a business model – to UN Women.

## **Universality, human rights and leaving nobody behind.**

The sex trade is extremely gendered and needs sexual discrimination and stereotyping to exist. It assigns specific positions to men as buyers and to women as those with the option of putting a price tag on the use of their bodies. Thus men are given agency and women are to be satisfied with possibly being permitted to negotiate conditions within a field of power defined by these men. This abrogates equality, which is a pre-condition to universality and the enjoyment of human rights. The sex trade thrives on the sexualizing and racializing of poverty, targeting all women and specifically women from racialized and marginalized backgrounds. This is evidenced here in the advertising of women from Asia or Africa, in the sexist and racist views of women from Eastern Europe and in the contemptuous depiction of Roma women in the sex trade. Since the removal of the last obstacles to prostitution as a major business in 2002, huge billboards have dominated the landscape along motorways, and trucks, trolleys and taxis featuring brothel ads signal buyers' privilege to men. The [new law on prostitution](#) coming into effect in July 2017 fully legalises such advertising. Easily accessible punters' foreshadow in violent and racialized descriptions. Mega-brothels for up to 1000 buyers, apartment buildings, "sex boxes" and "love mobile" sites are part of a state endorsed industry guaranteeing men monetarized sexual access to women 24/7. The racism underpinning the trade is echoed by publicly funded advocacy groups and vocal supporters of the sex trade stating that a German brothel may be preferable to the human rights abuse of racial persecution or that "[we should leave it to the less privileged to themselves define where the boundaries of their human dignity lie.](#)" Human rights abuses serve as justification for other abuses, worse, they become their resource. **This is incompatible with equality, universality, human rights and leaving nobody behind.**

**Sustainable Development Goals (SDGs) and sex trade policies.**

Women's **reproductive rights** are eroded by an exploitative business expanding into new markets, easily accessible via punters' fores, for [pregnant women](#), including the “gang bang” prostitution of pregnant women, although advertising these practices is to be banned. The buyers want to feel the foetus move. [Wolf Heide](#), a gynecologist speaking in a government hearing, showed how STDs and other illnesses result in infertility for many women. This effectively abrogates the women's reproductive rights.

**Poverty** is both a resource for the sex trade and an exit barrier, as a [survey](#) of prostituted women from Bulgaria in Stuttgart showed.

Legalising the sex trade means tax revenue: A daily fee of € 25.00 per woman collected from brothel keepers, or per m<sup>2</sup> of the prostitution premises, or parking meters for tickets for women in street prostitution. In Munich, tax collectors levy VAT on the “services” via the brothels so that the rent is at € 185.00/ 24 hours per room ([Caesar's World](#)). This is in addition to income tax, calculated by IR officials via estimates based on independently engaged women's websites. Tax debt operates as exit barrier.

The sex trade seems “sustainable”, as most women in prostitution are from abroad and must leave the country once they become sick, while German women drop into poverty, unable to effectively organize therapy and entry into society. A **superficially “peaceful society”** is achieved **not by inclusion but by the exclusion** of those exited. **Consequences are deported to other countries.**

The legalisation of the sex industry changed the definitions of “pimping” or “trafficking” and affects “consent” in sexual relationships. This affects our rape laws, laws on “domestic” violence and on stalking, and thus women's legal status as regards **violence against women**. The [Istanbul Convention](#), which is binding for EU states, is clear in its [article 36](#) definition of sexual violence and guarantees effective legal redress. But its implementation could serve to question “consent” in a brothel, and our legislature delays its ratification and introduction into national law, thus **undermining every woman's right to due legal course.**

**Protection of women in the trade from harm, violence, stigma and discrimination.**

The informed approach is a decriminalisation of the women in prostitution, police training, public education, support for women wishing to exit, for migrant women and those trafficked or drafted into the industry. It demands a policy that recognises violence as such and that is willing to stop it, not one negotiating allegedly acceptable degrees of violence in regulatory approaches or leaving this negotiation to individuals, notably individuals with the least standing in society.

A fully accepted sex industry however equals calling the harm and violence a business while turning stigma and discrimination into its resources. It means defining the violence out of existence.

Prostitution was decriminalised here in the early 20<sup>th</sup> century, and prior to 2002 brothels were tolerated. The [Prostitution Act of 2002](#) mainly intended to make women pay into pension and health insurances and to legalise the profits. Laws on procuring and trafficking were “adjusted” in the following years (view the changes made to §§ 180 ff. and 232 [German penal code](#)).

Now, cases are closed before reaching the courts, while others lead to minimal sentences. [Police](#) are discouraged from putting resources into [trafficking cases](#) as these are costly and legally dropped. Law enforcement assumes vast underreporting while statistics are sanitised: Convictions for pimping [decreased by 99%](#) in 2011, and trafficking into sexual exploitation had [557 victims in 2014](#). Serious human rights violations like sexual violence, trafficking and kidnapping count as [“work accident”](#), offering compensation for medical bills at the price of accepting the violence as such. ([Sozialgericht Hamburg S 36 U 118/14](#))

The interests of trafficked migrant women are ignored, and the legalisation of the sex industry has done nothing to change that. The only difference is an exploded market.

Although a [2004](#) study on violence against women showed the same levels of violence in prostitution as studies world wide, the [2007](#) evaluation of the ProstAct did not address violence. And although only brothel keepers expressed satisfaction and the study concluded that [“there are no viable indicators of the Prostitution Act having had any crime-minimalizing effect”](#), government responses centered around regulatory matters like building laws or how to better tax the venues.

This approach undermines **the rule of law** as demanded in point 8 and elsewhere in the [2030 Agenda for Sustainable Development](#) and is incompatible with the [Leave No One Behind Call to Action](#). **It does not meet the needs of the most vulnerable** but ensures they will remain targeted. This is evidenced in a western, rich country that has followed the rhetorics of the sex trade according to which the legalisation of buying, brothels and “operational aspects” like “management” and the “facilitation of travelling” supposedly makes the industry safe and empowers women.

The sex industry may temporarily offer some marketing chances for individual women within an unequal system that thrives on stigmatisation and discrimination, but does not contribute to women's equality which is a prerequisite to ending violence against women and to building peaceful and inclusive societies. The decriminalisation of the women (or others) in prostitution is a necessary step to safety, but that step is rendered meaningless by creating a situation that effectively decriminalises violence against them. Basing a policy on men's sexual access to women as a supposedly male right does nothing to prevent violence against women, be that sexual, physical, emotional, economic or institutional. On the contrary: We witness a rising acceptance of violations of women's human rights. The entrapment of women within caste systems, their dispossession in rural areas, their condemnation to poverty, their racial persecution, the denial of rights to education or to recourses against HIV or to reproductive health are cited in order to render crimes like trafficking or the abuse of women in the global sex industry acceptable or desirable. In view of any meaning of human rights as inalienable and as indivisible this is utterly unacceptable.

Inge Kleine writing for:

[Kofra – Kommunikationszentrum für Frauen](#)

[Abolition 2014](#)

[Initiative Stop Sexkauf](#)

To the Distinguished UN Special Rapporteur on Violence Against Women, its causes and consequences, Ms. Dubravka Šimonović,

Kofra and Abolition 2014 (Germany) and Edmonton Small Press Association respectfully present this joint submission regarding the incorporation and implementation of the international and regional standards related to violence against women and the more than necessary reinforcement of universal human rights standards for women and girls.

Kofra (Kommunikationszentrum für Frauen zur Arbeits- und Lebenssituation) is an autonomous women's centre in Germany coordinating and supporting women's actions regarding their work and life situation, and Abolition 2014 is a group of activists concerned with the sexual exploitation of women, both from Germany and from abroad.

We thank you for recognizing the need to address the adequacy of the international legal framework on violence against women in the context of their incorporation and implementation within international and regional standards related to violence against women, and within domestic law. We also suggest that a discussion be held on their implementation and incorporation into guidelines for international bodies and agencies when active in any area related to human rights.

**These are our considerations regarding your questions:**

**Do you consider that there is a need for a separate legally binding treaty on violence against women with its separate monitoring body?**

The Convention on the Elimination of Discrimination against Women (CEDAW) is a legally binding treaty prohibiting violence against women and has been ratified or acceded by 189 states. Its *General Recommendation No. 19: "25 years of CEDAW General Recommendation No. 19 (1992): Accelerating efforts on gender based violence against women"* is currently being updated.

A clear implementation of this Convention with the updates suggested in the joint submission by *Equality Now, the Coalition Against Trafficking in Women, the European Women's Lobby and the Coalition Against Prostitution*, as well as the Comments submitted by the *Swedish Women's Lobby* would constitute such a legally binding treaty.

(<http://www.ohchr.org/Documents/HRBodies/CEDAW/GR19/EqualityNowJointSubmission.pdf> ;

<http://www.ohchr.org/Documents/HRBodies/CEDAW/GR19/SwedishWomensLobby.pdf> )

Other treaties to be incorporated into such a legally binding framework to comprehensively denounce, reject and end violence against women include the *Council of Europe Convention on preventing and combating violence against women and domestic violence from 2011* ("Istanbul Convention" ) and the currently revised draft *Convention Against Sexual Exploitation*, produced and presented by an Expert Group Meeting on Sexual Exploitation sponsored by the UNESCO Division of Human Rights and the Coalition Against Trafficking in Women at the Penn State University.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>

<http://unesdoc.unesco.org/images/0009/000913/091355mb.pdf>

Reasons for updating the existing Conventions or for introducing a separate treaty regarding Violence against women in view of the questions put forward in this invitation for submissions:

Advances in the medical sciences, reproductive medicine and new medical practices contribute and facilitate harmful practices endangering the well-being, health, autonomy and equality of women. These practices include surrogacy and all the practices around surrogacy like the removal of ova and the corresponding market for both, as well as practices like labiaplasty, all of which have an impact on the way practices currently perceived as acts of violence such as forced birth, sexual pre-determination or FGM are viewed and marketed. Furthermore, they are harmful in and of themselves as they target women specifically on the grounds of their sex and biology and devise ways to use their bodies for the benefit of others than the women themselves, for profit, for exploitation or to maintain a view of women that is in stark contrast to the fundamental principles of women's equality in dignity and rights. The production of (genetically assembled and designed) babies and the blurring of harmful, but “voluntary” practices within the beauty industry with harmful “traditional” practices like FGM also results in an intersection of various forms of discrimination, most notably those of racialisation and marginalisation due to poverty.

The same is true to a lesser degree of Western notions of practices that may not have any noticable impact within some societies or privileged social groups – like “polyarmoury” as a marital status – but that will serve to justify unequal practices like polygamy to the detriment of women who do not enjoy a privileged status.

In addition we see a rising acceptance of human rights violations, and especially violations of the human rights of women, as a form of justification for other human rights abuses. The entrapment of women within a caste system, their dispossession in rural areas, their condemnation to poverty, their abrogation of rights to education or practices denying them recourses against HIV or for reproductive health are cited in order to render other abuses like trafficking or the abuse of women and their bodies in the global sex industry acceptable or desirable by comparison. In view of any meaning of human rights as inalienable and as indivisible this is utterly unacceptable.

The increasingly confrontational nature of international relationships along problematic ideas of “West” and “East” also results in the framing of harmful practices against women – be they directly or indirectly coercive – as either proud gestures of anti-imperialism or defiant gestures of “freedom”, as recent discussions on various forms of clothing or on the pervasiveness of pornography have shown.

Equally, attempts at the incorporation of regional standards should not be made to serve to undermine international safeguards regarding the safety of women and their equality.

A reaffirmation of a common and legally binding international treaty could prevent women's rights to equality in rights and in dignity, and to safety from violence as well as to independence and development from becoming the political playground and superficial justification for state powers to enforce their domestic or international strategies and aims.

**Do you consider that there is an incorporation gap of the international or regional human rights norms and standards?**

Recent reports on sexual violence and practices of sexual exploitation by peace keepers that had to be specifically addressed (!) show that the incorporation of international or regional human rights norms and standards is not regarded as guaranteed and self-evident. The same is true regarding the actions and policies undertaken especially by UN bodies such as those addressing HIV. Basing a policy on men's unfettered sexual access to women as an unquestionable practice and basic male right disregards women's rights to equality and to safety. Understanding and framing sexual activity as a male right and limiting restrictions or problem awareness around sexual practices to issues of men's health abrogates women's rights to sexual freedom, independence and autonomy. Condoms may possibly provide some protection against some STDs, but they are not effective in the prevention of violence against women, be that sexual, physical, emotional, economic or institutional. Decriminalising women in prostitution not to increase their safety and their access to health and exit services but predominantly to increase their accessibility by men does not diminish sexual or other violence against them. Publicity campaigns endorsing the view of women as sexual objects or objects of sexual gratification may temporarily offer some marketing chances for individual women within an unequal industry that thrives on the stigmatisation and discrimination of women, but do not contribute to women's equality which is a prerequisite to really ending violence against women. The decriminalisation of the women (or others) who are in prostitution is a necessary step to their safety, but not if that step is rendered meaningless by creating a situation around the women that effectively removes any recourse against violence against them by effectively decriminalising such violence.

There is no question that CEDAW and the other Conventions regarding the human rights of women, and especially violence against women, are not yet ratified in all countries, and that even where such Conventions have been ratified, not enough is done to ensure the implementation of these Conventions and women's access to courts or institutions to ensure their implementation. There is no doubt that this is also true of regional human rights instruments (e.g. treaties, conventions, declarations).

**Do you believe that there is a lack of implementation of the international and regional legislation into the domestic law?**

Germany has failed and is failing to incorporate and implement international human rights legislation, the provisions by CEDAW, the *Council of Europe Convention on preventing and combating violence against women and domestic violence from 2011* ("Istanbul Convention") and various trafficking Conventions. Examples where this is most noticeable include:

(1)

No special or effective provisions / very hesitant implementation of provisions to safeguard refugee women during the flight, their arrival in Germany, their stay especially in the first shelters. Women are housed together with men, often have no possibility even to lock the doors to their rooms, and must pass groups of men on their way to common facilities such as kitchen or bathrooms. Their participation in women-specific programmes is being undermined by the layout of living quarters and community centres in the shelters which again often mean passing through various groups of



men, both other refugees or security personnel, from their rooms to the community rooms. As a result of poor attendance by women, these programmes are then ended. (Munich, Bayernkaserne, 2015). Security personnel is not trained to take the specific situation of women into account, demands that the cheapest provider for security will be employed means that often those with the least training and awareness are awarded the respective contracts.

The situation of refugee women has been noted by the EU, and is only slowly addressed within Germany.

(FRA – European Union Agency For Fundamental Rights Media release:

<http://fra.europa.eu/en/press-release/2016/women-refugees-high-risk-being-victims-gender-based-violence> ; European Parliament Directory-General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs; Reception of female refugees and asylum seekers in the EU. Case Study Germany.

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536497/IPOL\\_STU\(2016\)536497\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536497/IPOL_STU(2016)536497_EN.pdf) )

(2)

The decriminalisation of what is viewed as “operational aspects of the sex trade”, i.e. most forms of procuring (“pimping”) and a definition of trafficking for the purpose of sexual exploitation that place almost impossible requirements on a plaintiff to prove trafficking means that women who are trafficked into the sex industry and/ or financially exploited in it have practically no recourse in pursuing justice – be that criminal justice or forms of compensation in civil law. A recent case decided in Hamburg on 23 June 2016 is a stark example where trafficking into the sex industry, exploitation, kidnapping and sexual violence were not pursued by the courts, and where injuries to the victim resulting from her efforts to free herself from an apartment she had been locked into were finally ruled to be “a work accident”. (<http://grundundmensenrechtsblog.de/wp-content/uploads/2016/08/Urteil-SG-HH-vom-01072016-Prostitution-und-Arbeitsunfall-SGB-VII-anonymisierte-Fassung.pdf> ) While this results in the compensation of the woman's state regarding her medical bills it also highlights that most cases even of grievous human rights violations are not legally pursued in Germany.

This abrogates the women's rights to due course and fair legal process as victim of crimes.

(3)

While Germany does not allow child marriages (or polygamy) it recognises the validity of such marriages if they were enacted in other countries. Currently this facilitates child marriages in the context of what is termed “the refugee crisis” in Europe.

(4)

Laws against stalking are ineffective in most cases, as they can and will only be applied if the perpetrator's behaviour has effectively caused a woman to either lose/ change her place of employment, move house, change her name, demanded and been granted the right not to be publicly registered at her place of residence and other serious impediments to her daily life. This effectively restricts women's freedom of movement, employment, residence and safety, and their rights to due course and fair legal process as victims of crimes.

(5)

Recent legal changes regarding the rights of (biological) fathers have failed to incorporate an assessment of their impact on women/ mothers, and thus have failed to adhere to processes of “gender mainstreaming” as demanded by the EU. The effect of the current laws is an enabling of their abuse by men – the fathers' rights are used to stalk ex-wives / ex-partners, to restrict their rights of moving or movement via the fathers' rights on the residence and placement of the children, and they are used to eliminate safe women's shelters.

**Do you think that there is a fragmentation of policies and legislation to address gender-based violence?**

Yes.

Internationally there is a fragmentation of policies and legislation due to the refusal by some stakeholders and UN bodies to comprehensively address the objectification of women as sexual beings for the benefit of men or as vessels for children on demand as a form of violence and to understand and address the objectification of women as a form of dehumanisation.

In practice this results in the abrogation of female sexual autonomy, and in a cultural framework worldwide that denies women the means to understand, to gain and to actively live sexual autonomy. This is achieved by either barring them from health and sexual education altogether in very restrictive societies, or by relentlessly exposing girls and women to objectifying imagery of their bodies and a suggestion that fixing a sales value to this body can serve as an adequate surrogate practice in the place of enjoying sexual freedom. The overwhelming presence of objectifying images and the pressures resulting on women and girls to auto-police their bodies deprive any possible advances in health and sexual education of meaning. Furthermore, the same images underline existing male dominated views of women that are incompatible with the equality of women and men both in dignity and rights, and in their standing and positions within any community.

Human rights violations that are immediately understood as such in the context of state action against men (or women) must also be understood as such in “private” or “domestic” contexts or in the context of economically coercive situations or situations affecting mostly women or girls, i.e. domestic service. This regards practices that have come to be understood as “non-state torture”. Torture must be understood and criminalised in all forms. We strongly support current efforts by the UN and NGO activists and experts in this regard.

(<http://www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/JeanneSarson-LindaMacDonald.pdf>  
)

Other forms of fragmentation of policies and legislation hindering effective enforcement and guarantees of a protection of violence against women are the lack of binding definitions regarding aspects of violence, for example in the definition of rape, or of the violence perpetrated by men during a partnership, a close relationship or a family setting.

As of 2015 Spain only statistically recognises what is commonly termed “domestic violence” if the victim is hospitalised for at least one night. This is a mere example, and this clearly results in a serious distortion of any statistics which in turn distorts efforts and resources rendered to end such violence.

In all cases, governments administrative rights in defining violence against women make a monitoring of such violence difficult, any findings questionable and thus deprive women and citizens in general of effective political and public means to address the violence.

Addressing women's rights across various UN documents – i.e. separately in CEDAW, the “Palermo Protocols” and other documents also makes creates barriers to the access to and the knowledge of these rights.

**Could you also provide your views on measures needed to address this normative and implementation gap and to accelerate prevention and elimination of violence against women?**

Binding agreements on the various legal, political and statistical definitions of the various forms of violence against women.

Transparency during the entire process of monitoring, assembling, assessing and publishing of the data and policies regarding VAW.

Incorporation of conventions against sexual exploitation of all forms, and especially regarding areas under significant pressure due to the enormous profits generated by the violence, such as the violence in and of the sex industry.

Meaningful and mandatory education to be provided to women regarding their rights and equality.

Meaningful and mandatory education to be provided to men regarding women's rights and equality.

Strengthening of due course and women's access to criminal and civil law and courts in securing their rights.

Mandatory inclusion of women's groups at all international meetings, in all international agreements, especially in the context of peace talks and agreements, and the incorporation of their demands in any treaties or agreements. Mandatory input by these women's groups and publication of their decisions.

Thank you in advance for your consideration of our request.

Inge Kleine,

for

Kofra and Abolition 2014.

[www.kofra.de](http://www.kofra.de)

[www.abolition2014.blogspot.de](http://www.abolition2014.blogspot.de)

Lynette Bondarchuk.

Edmonton Small Press Association

## ALL INDIA DEMOCRATIC WOMEN'S ASSOCIATION

NO. 2253- E, SHADI KHAMPUR, NEW RANJIT NAGAR,

NEW DELHI-110008

PH: 011-25700476, 25709565

Email : [aidwacec@gmail.com](mailto:aidwacec@gmail.com)

19th Oct. 2016

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol), Especially Women and Children, and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) have all called for countries to intensify the comprehensive campaign against brothel-keepers, pimps, recruiters, transporters, financiers and buyers of sex as a preventive measure against sex trafficking. Any attempt to legitimize sex-industry contravenes United Nation's commitments to promote human rights, economic and educational development and dignity of all women and girls around the world.

In our societies of growing inequalities, the most vulnerable groups are always over represented in prostitution. The fact in India is that the majority of the prostituted are from marginalized castes. The sex industry exploits all inequalities: gender, economic, ethnic, racial, class, caste. It is the absence of choice of those who are female, poor and low caste that the sex industry takes advantage of.

Any attempt to legitimize sex-industry actually is turning a blind eye to the feminization of poverty. It also excuses the State from taking all possible measures to improve the lives of marginalized girls and women by labelling their 'survival strategies' as choices. It negates the very principles enshrined in the Universal Declaration of Human Rights which promises to strive for the economic, political and social rights of the most marginalized. By choosing to recognize "sex-workers" with choices, the lived reality of the thousands of women whose lives are decided by their lack of choices is actually ignored.

While we advocate for a full decriminalization of prostituted persons, we cannot accept policies that offer a status of "sex entrepreneurs" to pimps and traffickers, trivialize and encourage the development of prostitution and create a "right to sexual exploitation" for sex "consumers". This approach supports the ideology of "sex work" to legalise the profits of the sex industry.

We urge United Nation Women to respect its own principles and obligations. In particular, we would like to remind UN Women of the following UN human rights instruments:

1. Universal Declaration of Human Rights (1948),
2. One year later in 1949 the General Assembly of the United Nations adopted the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). This convention is the only UN binding instrument focusing specifically on prostitution and its exploitation. In its preamble the UN 1949 Convention states that prostitution and traffic in persons are *"incompatible with the dignity and worth of the human person"*.

The qualification of prostitution as a violation of human dignity is crucial since the protection of the dignity and worth of the human person is a cornerstone of the whole human rights system and Law.

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Prostitution and its exploitation are not only a violation of human dignity, but also a form of male sexual violence, a fundamental obstacle to gender equality and to women's empowerment. The direct experience of organizations working directly with the victims and survivors of prostitution affirm that prostitution violates the most fundamental human rights to security, physical and psychological integrity, health, and equality.

In order to achieve the targets and objectives identified in SDGs, we strongly recommend States and international organizations to promote the adoption of policies that:

- Recognize prostitution as violence against women and that the prostituted are female, poor, low caste, suffering from multiple discriminations and that traffickers take advantage of their position of vulnerabilities. This is in keeping with the Palermo Protocol where the "abuse of a position of vulnerability" is considered a method of trafficking.
- We want UN Women to state its commitment to mitigate the circumstances of vulnerabilities which leads to a child or woman's exploitation within the system of prostitution.
- We want the removal of repressive measures against prostituted persons as well as decriminalization of prostituted persons.
- We want the criminalization of all forms of procuring, pimping, brothel keeping and trafficking and implementation of penal measures against them.
- We want the implementation of policies of prevention and education, to promote equality and positive sexuality.
- We want UN Women to substitute the term 'sex workers' in its official documents by the word "victims/ survivors/ sufferers of sex-trafficking/prostituted women and children" in congruence with its international legal binding under UDHR and UN Protocol.

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

All over the world, and throughout history, the most systemically disadvantaged groups have been overrepresented in sexual exploitation and prostitution. Prostitution is a highly gendered and patriarchal system that disproportionately affects the poorest women and young children. Victims of incest and sexual violence, indigenous women and children, low caste communities, migrant women and children, and women and girls from ethnic minorities are still the primary victims of sexual exploitation by pimps, traffickers and sex buyers.

More generally, prostitution is part of a continuum of sexual violence and of a long patriarchal tradition of making women and their bodies available for men's profit.

The only beneficiaries of prostitution are the brothel-owners, the pimps, the traffickers, and the sex buyers. The majority of the prostituted women and girls are kept in debt bondage and then disposed of when they are used up and no longer commercially viable. Most die an early death. They are unable to find any suitable alternative livelihood owing to the existing systemic inequalities and overall unemployment that is compounded by their own physical and mental condition.

Brothel-owners, pimps and traffickers earn annually several hundreds of billion dollars, thriving on their power to sell, control and use women and girls' bodies with impunity. Repeated body invasion is inherent to prostitution and cannot be regulated. Poor women do not make a livelihood from prostitution. It is their pimps, brothel keepers and the sex industry that do so. Prostitution is inherently violent and a vast majority of prostituted women are victims of various forms of violence (physical, verbal, sexual, psychological). Prostitution is inherently unequal consisting in domination of men over the women, rich over the poor, majority groups over the minority groups. Prostitution reinforces the domination of men over women, in particular the attitude that women's bodies are available and accessible, which is present in other forms of violence against women such as rape, sexual harassment and intimate-partner violence.

A rights-based gender perspective will take into account the intersection of caste and class inequalities with sexual inequality. After all among the majority of the prostituted, no one chose to be born poor, female and low-caste. They did not "choose" to be 'sex-workers'. It was the lack of positive initiative by States to address their multiple vulnerabilities that led to traffickers taking advantage of them. We can never address the crime of trafficking if we try directly or indirectly to delink it from one of its major fall-outs, namely, the multi-billion dollar business in sexual exploitation of trafficked women and children.

This is the submission of All India Democratic Women's Association to UN Women in response to their questionnaire which we could only get hold of at a very late stage. We submit that this questionnaire should be more widely circulated in the public domain and more people working in the area should be allowed to give their responses before UN Women acts upon it.

With Thanks,



**Malini Bhattacharya**  
(President)



**Jagmati Sangwan**  
(General Secretary)



Apne Aap Women Worldwide (India) Trust 1,  
Shasthitala Road  
Kidderpore, Kolkata  
700023, India  
Phone: (+91)8232085060 / 8232911503  
[www.apneaap.org](http://www.apneaap.org)

## **Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution**

We the undersigned represent members of Apne Aap Women worldwide. Apne Aap Women Worldwide is an Indian organization working to end sex trafficking through advocacy and field intervention. The organization mobilizes the last, most marginalized, at-risk and prostituted women and girls from red light areas and caste communities suffering from inter-generational prostitution to access their rights in the form of education, citizenship documents, government subsidies, livelihood skills, health care, legal protection, etc. Founded by journalist Ruchira Gupta and twenty-two prostituted women who had a vision for a world where no woman could be bought or sold, Apne Aap ('self-empowerment' in Hindi) has touched over 20,000 lives in Bihar, Delhi and West Bengal.

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol), Especially Women and Children, and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) have all called for countries to combat the demand for sex (targeting brothel-keepers, pimps, recruiters, transporters, financiers and buyers of sex) as a preventive measure against sex trafficking. Any attempt to legitimize sex-industry contravenes United Nation's commitments to promote human rights, economic and educational development and dignity of all women and girls around the world.

In our societies of growing inequalities, the most vulnerable groups are always over represented in prostitution. The fact in India is that the majority of the prostituted are from marginalized castes. The sex industry exploits all inequalities: gender, economic, ethnic, racial, class, caste. It is the absence of choice of those who are female, poor and low caste that the sex industry takes advantage of.

Any attempt to legitimize sex-industry actually is turning a blind eye to the feminization of poverty. It also excuses the State from investing in marginalized girls and women by labelling their 'survival strategies' as choices. It negates the very principles enshrined in the Universal Declaration of Human Rights promises to strive for the economic, political and social rights of the most marginalized. By choosing to recognize "sex-workers" with



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[www.apneaap.org](http://www.apneaap.org)

choices, the lived reality of the thousands of women whose lives are decided by their lack of choices is actually ignored.

While we advocate for a full decriminalization of prostituted persons, we cannot accept policies that offer a status of “sex entrepreneurs” to pimps and traffickers, trivialize and encourage the development of prostitution and create a “right to sexual exploitation” for sex “consumers”. This approach supports the ideology of “sex work” to legalise the profits of the sex industry.

We urge United Nation Women to respect its own principles and obligations. In particular, we would like to remind UN Women remind of the following UN human rights instruments:

1. Universal Declaration of Human Rights (1948),
2. One year later in 1949 the General Assembly of the United Nations adopted the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). This convention is the only UN binding instrument focusing specifically on prostitution and its exploitation. In its preamble the UN 1949 Convention states that prostitution and traffic in persons are “*incompatible with the dignity and worth of the human person*”.

The qualification of prostitution as a violation of human dignity is crucial since the protection of the dignity and worth of the human person is a cornerstone of the whole human rights system and Law.

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as

- a) reproductive rights
- b) women’s ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Prostitution and its exploitation are not only a violation of human dignity, but also a form of male sexual violence, a fundamental obstacle to gender equality and to women’s empowerment. Apne Aap and many of the undersigned organizations work directly with the victims and survivors of prostitution. Our direct experience of working with the





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Shasthitala Road  
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survivors affirm that prostitution violates the most fundamental human rights to security, physical and psychological integrity, health, and equality.

In order to achieve the targets and objectives identified in SDGs, we strongly recommend States and international organizations to promote the adoption of policies that:

- Recognize prostitution as violence against women and that the prostituted are female, poor, low caste, suffering from multiple discriminations and that traffickers take advantage of their position of vulnerabilities. This is in keeping with the Palermo Protocol where the “abuse of a position of vulnerability” is considered a method of trafficking.
- We want UN Women to state its commitment to mitigate the circumstances of vulnerabilities which leads to a child or woman’s exploitation within the system of prostitution.
- The suppression of repressive measures against prostituted persons including the decriminalization of prostituted persons.
- The criminalization of all forms of procuring, pimping, brothel keeping and trafficking.
- The implementation of policies of prevention and education, to promote equality and positive sexuality.
- To substitute the term ‘sex work’ in its official documents by the word “victims/survivors/ sufferers of sex-trafficking/prostituted women and children” in congruence with its international legal binding under UDHR and UN Protocol.

### Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

All over the world, and throughout history, the most systemically disadvantaged groups have been overrepresented in sexual exploitation and prostitution. Prostitution is a highly gendered and patriarchal system that disproportionately affects the poorest women and young children. Victims of incest and sexual violence, indigenous women and children, low caste communities, migrant women and children, and women and girls from ethnic minorities are still the primary victims of sexual exploitation by pimps, traffickers and sex buyers.

More generally, prostitution is part of a continuum of sexual violence and of a long patriarchal tradition of making women and their bodies available for men’s profit.

The only beneficiaries of prostitution are the pimps, the traffickers, and the sex buyers. The majority of the prostituted women and girls are kept in debt bondage and then disposed of when they are used up and no longer commercially viable. Most die an early death. They are unable to find any suitable alternative livelihood owing to the existing



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systemic inequalities and overall unemployment that is compounded by their own physical and mental condition.

Pimps and traffickers earn annually several hundreds of billion dollars, while sex buyers preserve their right to control and use women and girls' bodies with impunity. Repeated Body invasion is inherent to prostitution and cannot be regulated. Poor women do not make a livelihood from prostitution. It is their pimps, brothel keepers and the sex industry that does.

Prostitution is inherently violent and a vast majority of prostituted women are victims of various forms of violence (physical, verbal, sexual, psychological). A survey by ApneAap in Najafgarh among prostituted women of Peran caste (a De-Notified Tribe) revealed that the women survive about two fractures per month due to beatings by pimps and buyers. But they accept it because they believe that the buyers paid for the sex.

Prostitution is inherently unequal, domination of men over the women, rich over the poor, majority groups over the minority groups. Prostitution reinforces the domination of men over women, in particular the attitude that women's bodies are available and accessible, which is present in other forms of violence against women such as rape, sexual harassment and intimate-partner violence.

A rights-based gender perspective will take into account the intersection of caste and class inequalities with sexual inequality. After all among the majority of the prostituted, no one chose to be born poor, female and low-caste. They did not "choose" to be sex-workers. It was their lack of investment by States to address their multiple vulnerabilities that led to traffickers taking advantage of them. Harm, violence, stigma and discrimination are inherent to the system of prostitution, and cannot be reduced without ending the system itself.

Ruchira Gupta  
Juanita Kakoty  
Fatima Khatun  
Mumtaz Begum  
Sahana Dasgupta  
Tinku Khanna



## **Resisting Prostitution as a Form of Sexualized Racism**

*Recommendations for UN Women's Approach  
to Sex Work, the Sex Trade and Prostitution*

Submitted by Asian Women Coalition Ending Prostitution

Submission to: [consultation@unwomen.org](mailto:consultation@unwomen.org)

October 16, 2016

Asian Women Coalition Ending Prostitution is a grassroots feminist group. We analyze prostitution as form of male violence that promotes and entrenches sexism and racism while exploiting the impoverishment of women as a class. We see the abolition of prostitution as necessary to allow the achievement of women's equality and liberation.

### **Question 1.**

**The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relations to sex work/trade or prostitution?**

The 2030 Agenda represents a broad set of goals for sustainable development which must be viewed through a gendered lens, as UN Women rightly remarks<sup>1</sup>. If, however, UN Women is to apply these principles of universality, human rights, and 'leaving nobody behind' to the question of women's rights around the world, prostitution and the sex trade must also be subject to such

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<sup>1</sup> UN-WOMEN, 2014 World Survey on the Role of Women in Development: Gender Equality and Sustainable Development, UN. DOI: <http://dx.doi.org/10.18356/00c2a497-en>. (2014)

evaluation for its historical and present-day sabotage of women's equality and self-determination.

### Universality

UN Women notes that women's equality requires international commitment and effort from all countries. International instruments already exist to support the evaluation of the rights of women and girls relative to violence against women, and trafficking in persons. The Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the UN, provides a clear position: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".<sup>2</sup>

The framework of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, otherwise known as the Palermo Protocol, identifies trafficking of women into prostitution as a form of exploitation that must be interfered with by state parties as a criminal offence.<sup>3</sup> Prostitution cannot be treated separately from trafficking.

### Human Rights

The sex industry requires the abrogation of women's human rights in order to thrive. The sex buyer demands sexualized experiences that highlight and reinforce racist and sexist stereotypes. While some states may claim that industry regulation can provide women with protection, these so-called protections are afforded to those who control and use the sex trade industry, rather than the women who are prostituted. In states that have chosen to normalize prostitution as regular commercial activity, human trafficking has soared, women do not register for so-called government benefits and the organized crime syndicates that control prostitution venues avoid all employer obligations.<sup>4 5</sup> Women's access to human rights protections is

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<sup>2</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> [accessed 16 October 2016]

<sup>3</sup> UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, available at: <http://www.refworld.org/docid/4720706c0.html> [accessed 16 October 2016]

<sup>4</sup> Nisha Lilia Diu, "Welcome To Paradise: Inside The World Of Legalised Prostitution". *The Telegraph* 2015. Web. 23 Apr. 2015.

<sup>5</sup> The Police Foundation, *Organised Crime and the Adult Sex Market*. *The Guardian*. (2016, Sept. 27)

impossible in an industry that caters to male demand for sexual access to women who are, for example “sexy Japanese schoolgirl” or “submissive China doll”. This sexualized racism is embedded in male culture and affects Asian women in all spheres of life, regardless of whether or not we are individually engaged in prostitution, thereby undermining our access to human rights by undermining recognition of our humanity.

Policy about the sex trade and prostitution must deal with the exploitation and impact on women as a class in order to empower feminist advocacy. Neo-liberal emphasis on individual choice is decontextualized from social and economic factors, and blocks analysis of power structures. Responses to the question of prostitution from a neo-liberal philosophical position undermine the ability of feminist organizations to fight for substantive advancement of women’s rights. Policy that supports women’s human rights as group rights facilitates the possibility of structural change that supports the development of race, sex and economic rights.

### **Leaving Nobody Behind**

The practice of prostitution prevents the achievement of Asian women’s human rights in our countries of origin and in the countries that receive us as immigrants, temporary workers, refugees, trafficked persons, tourists, students, sponsored wives, etc. Asian Women applies the analysis of intersectionality<sup>6</sup> that makes visible the overlapping oppressions imposed on us. Entrenched orientalism that positions Asians as a foil, for Westerners/Europeans to define themselves,<sup>7</sup> adds another layer of oppression by the Global North over the Global South.

Asian Women urges UN Women to reject the framing of prostitution as “work” or “trade”, because such a paradigm locks Asian women into the frame of corollary concepts such as “migrant sex worker”. These conceptions harden the race-based divisions between women. They all but eliminate Asian women’s ability to access human and labour rights, and excuse states from acknowledging or responding effectively to Asian women’s exploitation and our vulnerability to prostitution recruiters, human traffickers, and male violence.

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<sup>6</sup> Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” *Stanford Law Review*, Vol. 43, No. 6. (July 1991), 1241, [doi:10.2307/1229039](https://doi.org/10.2307/1229039)

<sup>7</sup> Edward Said, E. (1978). *Orientalism* (1994th ed.). New York: Vintage Books.

**Question 2.**

**The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) Reproductive rights**
- b) Women's ownership of land and assets**
- c) Building peaceful and inclusive societies**
- d) Ending the trafficking of women**
- e) Eliminating violence against women**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

The UN has recognized gender equality as one of the 17 goals of sustainable development, and one that is inseparable from each of the other Goals. Of particular note is the following preamble to the Goal's targets:

*"Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large."*

This passage disqualifies prostitution as a compatible component of this Goal in three key ways.

- 1) **Violence against women and racism.** Race, gender and the phenomenon of orientalism intersect in particular ways for Asian women. Prostitution entrenches racist and sexist stereotypes, and allows organized crime to focus on Asian women for recruitment into prostitution with little recognition or effective state interference in our exploitation. Sex traffickers cater to male demand for paid sexual access to women, and are invested in growing social acceptance of rape culture that encourages male entitlement to engage in this form of male violence against women. In these ways, prostitution negates women's rights to bodily integrity and to self-determination.

- 2) **Peaceful and inclusive societies.** The sex trade enhances the power of men, and deepens the subordination of women.<sup>8</sup> Prostitution interferes with women's ability to participate in civil society on a fully equal or meaningful way, because the sexualized racism imposed on Asian women pushes us to the margins of society and renders our inequality both natural and invisible. Without recognition of this oppression, no remedy will be seen as necessary.
- 3) **Decent work.** The Goal recognizes the need for women's access to decent work. Such work should uphold women's bodily integrity. Prostitution is a practice of men's exploitation of women's bodies. The racist mythology<sup>9</sup> about the natural proclivity of Asian women to participate in prostitution is most recently being leveraged to reframe us as "migrant sex workers". Given that tens of millions of Asian women leave their homes and home states to seek work, this recasting of prostitution as migrant work has profound consequences for women in all states where there is an Asian population.

As the vast majority of those who demand sexual access to women are men, and the vast majority of those accessed are women, policies must recognize, condemn, and provide tools to dismantle men's power, as a group, to subjugate women.

As well, UN Women has the opportunity to expose the imposition of prostitution on impoverished and racialized women, as a downloading of state responsibilities for the provision of eldercare, childcare, housing, education, healthcare, infrastructure development and debt servicing, onto the backs of women.

**Question 3. The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

Men are the source of harm, violence, stigma, and discrimination towards women and girls in, and vulnerable to prostitution and the sex industry. Prostitution is a form of male violence that

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<sup>8</sup> Sherene Razack, Race, Space, and Prostitution: The Making of the Bourgeois Subject. *Canadian Journal of Women & the Law*, 10(2), 338 (1998).

<sup>9</sup> Sunny Woan, White Sexual Imperialism: A Theory of Asian Feminist Jurisprudence, 14 Wash. & Lee J. Civ. Rts. & Soc. Just. 275 (2008).

both incorporates and reinforces rape, sexual harassment, wife assault, and incest. Immediate protections that UN Women should promote would:

- Stop criminalizing women for prostitution and poverty related offenses, including prostitution.
- Target for arrest and criminal prosecution the men who recruit, advertise the sale of sexual access to women, operate brothels, buy sexual access and who otherwise comprise the demand side of the sextrade and prostitution.
- Reject “harm reduction” strategies that normalize and further entrench women’s exploitation, and address the systemic inequalities that bestow power to the demand side of prostitution.

Asian Women urges UN Women to adopt an abolitionist policy, currently best expressed by the Nordic model in Sweden. This approach recognizes prostitution as a form of male violence against women that impedes women’s equality and addresses prostitution with criminal law, robust social welfare investments and public education. The Nordic model can be improved by extending the same level of supports and protections to non-citizen women as to those with citizenship. However states supports must also be substantially improved in almost all cases for this to effectively reduce women and girl’s vulnerability to recruitment into prostitution. For example, Asian Women calls on the Canadian government to provide a non-conditional guaranteed liveable income to all residing in country.

The policy position that UN Women chooses with respect to the sex trade and prostitution will either position UN Women as complicit with the maintenance of a racist and sexist world order, or by supporting the abolition of prostitution, UN Women will take step towards placing itself, an international women’s rights body, firmly on the side of women’s equality and liberation.

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Prepared by Suzanne Jay and Sarah M. Mah for Asian Women Coalition Ending Prostitution

[www.awcep.org](http://www.awcep.org)

[awcep.info@gmail.com](mailto:awcep.info@gmail.com)



**ARISE****SUBMISSION ON CONSULTATION SEEKING VIEWS ON UN WOMEN APPROACH  
TO SEX WORK, THE SEX TRADE AND PROSTITUTION**

16 October 2016

**ARISE** is a South African Survivor-Led Organisation established to provide support to survivors of commercial sexual exploitation, prostitution and sexual violence. We wish to reclaim our human rights to integrity, freedom, equality and dignity. We seek a world free of sexual exploitation and sex slavery and where women and men enjoy mutually respectful and fulfilling intimate relationships.

We are survivors of the sex trade, including prostitution, and leaders in the movement to end violence and discrimination against women and girls. Collectively, we have experienced hundreds of years of abuse, violence, sexual violence, degradation, dehumanization as girls and women exploited in the sex trade, under the eyes of our respective governments. We were exploited and violated by sex buyers, pimps, traffickers and other others who bought us, sold us and profited from our exploitation, with impunity.

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

We are the women that the U.N., its agencies, governments and society have left behind, with impunity and at great risk to our lives. Many of our sisters around the world have perished in the sex trade, mostly unaccounted for in large part due to the low status our respective countries and cultures have assigned us. To answer your question, we can never, and will never, interpret these principles in relation to “sex work” as you posit, because what we endured at the hands of sex buyers, pimps, brothel owners, traffickers and our other exploiters was neither sex, nor work, but an endless stream of violence, degradation and dehumanization imposed on our bodies and minds.

Examining prostitution within the universality of human rights calls on UN Women to take stock of the respective histories of the U.N.’s member states and remember why the Universal Declaration of Human Rights and other international covenants were signed and ratified. Through these covenants, governments pledge to act as responsible members of an international community that strives to remedy the wrongs created by wars and conflict, violence and discrimination by those who have power over those who do not. Collectively, an overwhelming percentage of prostituted women and girls are Aboriginal, Indigenous, First Nations, or Native to their countries. We are African or of African descent; Latina or of Latin American descent; Asian or of Asian descent; minorities within our own countries, such as Roma or from “Scheduled Castes.” The almost universal colonization of Indigenous peoples had a doubly negative impact on the populations’ women and girls, who suffered the worst kinds of sexual violence and discrimination. If the goals of the 2030 Agenda are to leave no human being behind, then UN Women cannot ponder whether the sex trade is a viable form of employment in the lives of our sisters and daughters.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The only policies that are viable in addressing prostitution within women's rights is for governments to target the demand for prostitution by penalizing sex buyers; to provide comprehensive services to prostituted women and girls and offer them viable exit strategies to leave the sex trade. Prostitution and the targets listed in this question are wholly incompatible with each other and in fact, prostitution destroys every SDGs. Without fully addressing the prostitution of women and girls, we guarantee that the U.N. and its member states will never achieve full justice and rights for women.

It is impossible within the context of prostitution for women to exercise their full rights, to secure reproductive rights, to end the trafficking of women, eliminate violence against women, to secure justice and freedom from exploitation. Prostitution embodies violation and discrimination against women within the aspects of economy, politics, culture and gender. We know of no woman who has developed her full potential or built economic security through prostitution; the minute she is no longer bought, she is bereft of income with no financial security.

A "sex work" model gives state-sanctioned licenses to pimps, brothel owners and sex buyers, which is antithetical to human rights principles and the integrity of international law, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), to name just three conventions.

The 1949 Convention of 1949 articulates specifically that prostitution and trafficking and such slavery like practices "... are incompatible with the dignity and worth of the human person...." Article 6 of CEDAW states that " State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Article 9.5 in the Palermo Protocol calls on State Parties to take measures to discourage the demand that fosters the exploitation of persons that lead to trafficking, meaning that any national or international policies that call for the decriminalization of sex buyers are in direct contravention of the Palermo Protocol.

We urge UN Women to analyze prostitution within these legal contexts, and within the scope of the Universal Declaration of Human Rights, as gender-based sexual abuse and exploitation.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The vast majority of prostituted persons everywhere are female, and in the cases of women, most have been prostituted and sex trafficked since childhood. Prostitution is by definition an exploitative system of unequal gender relations, which operates to subjugate and oppress women.

Many of us, as the undersigned, work in our communities providing front-line services to women and girls in prostitution. Regardless of our respective jurisdictions and legal frameworks governing prostitution, the harm, violence, stigma and discrimination are the same across the board for all prostituted women and girls. The factors that catapulted us into the sex trade are the ones that we see in the women and girls we serve: poverty, homelessness, childhood sexual violence or incest, racial or ethnic disenfranchisement, vulnerable after conflict or natural disasters, militarization of our regions, and always, an absolute absence of choice. Like us, these women and girls are bought, sold and used with impunity by adult men who are financially, socially and racially privileged in relation to them.

Our expertise shows that the best way to protect women bought and sold in the sex trade is to provide them with the services they urgently require: basic needs for their and their children's survival (food, housing, clothing, medical services, childcare) and tools to help them rebuild their lives (education and training, psychological or psychiatric treatment and counseling, substance abuse rehabilitation). Also critically important is to advocate for laws and policies that exonerate them from police arrest and criminal punishment and instead hold their sex buyers accountable for the irreparable harm they perpetrate.

Although we have rarely, if ever, come across a prostituted woman whose life experience did not include any of the vulnerability factors that are linked to prostitution, we could concede for purposes of this consultation that a microscopic minority might claim that prostitution was a free and clear choice. Our colleagues who work with victims of intimate partner violence might also encounter women who are not capable or ready, for whatever reason, to leave their batterers. In neither case should governments develop laws and policies that exonerate perpetrators because of the so-called choices of these women. Similarly, UN Women is charged with ensuring that governments uphold CEDAW and other conventions that protect the rights of women and girls. Taking a position that would lead to qualifying prostitution as a form of work would violate UN Women's mission and irreparably contradict the principles of the 2030 Agenda. The global, multi-dollar sex trade is linked to organised criminal networks that profit immensely and illegally from the sale of women and girls for sexual acts, and counting on sex buyers to sustain such incalculable profits.

UN Women's mission is to challenge gendered inequalities that violate the fundamental rights of women and girls, through prostitution, sexual exploitation, and sexual abuse. UN Women's role is to support a global women's and girls' rights movement dedicated to creating economic and social conditions and ensuring legal protections for women and girls in order to ensure that they never have to endure the suffering, violence and the denial of dignity that we survived. And if they tragically do, that they access to justice. Our answers here are a call to UN Women and the UN system as a whole to uphold international laws and

human rights principles that will prevent and protect all women and girls, including those in prostitution and the sex trade at large.

## Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution

Our organisations envision a society in which women's contribution to all aspects of life is recognised, rewarded and celebrated - in leadership, in care and in production; all women have self-confidence, freedom of choice, and freedom from violence and exploitation; and no woman or girl is left behind.

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

While we welcome the will of UN Women to address the issue of prostitution and take a stand on the system of prostitution, we assume that UN Women's position will be mainly based on international agreed commitments, values and language, which include, but are not limited to, the 2030 Agenda.

The United Nations (UN) community expressed its views on prostitution in 1949, in the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The Convention states that prostitution and traffic in persons are *"incompatible with the dignity and worth of the human person"*. Adopted by the UN General Assembly (UNGA) in the same years as the International Bill of Human Rights, the 1949 Convention sets the ground for the international community's approach to prostitution and trafficking, the same way that the Universal Declaration of Human Rights (UDHR) is used – still today – as the milestone instrument to protect fundamental human rights such as the right to freedom of opinion or the fight against torture.

In all other UN binding instruments – including CEDAW and the Beijing Platform for Action, which are fundamental women's human rights instruments –, the language is based on the 1949 Convention, and refers to *"prostitution"* and *"exploitation of the prostitution of others"*. It is therefore crucial that all UN bodies respect and embody this language, which is directly linked to the core UN values of human dignity and leaving nobody behind.

Indeed, the protection of the dignity and worth of the human person is not only recognised as a fundamental principle by the UDHR but is also quoted as one of the *"ideals and common goals of all People whose Governments have gathered to create the United Nations"* in the Preamble of the Charter of the United Nations (1945).

In this context, all UN bodies and member states have an obligation, in order to promote and respect human dignity, to take action to eradicate the systems of prostitution. Doing so, the international community would ensure that trafficking for sexual exploitation is ended, since both phenomena are intrinsically linked, as stated by the 1949 Convention and recalled in the UN Palermo Protocol. Any policy which would normalise prostitution would go against human rights, and would leave behind all the victims of sex trafficking and prostitution.

We therefore hope that UN Women, in its positioning on prostitution, will build on the UNGA work and act as a guardian of the international human rights values and provisions. As the UN entity for

women's rights, it is crucial that UN Women plays such a critical role, towards member states and other UN agencies.

We believe it is important to mention here that the UN has developed an internal perspective on prostitution, which needs to be included in UN Women's analysis. In his Special Bulletin on *"Special measures for protection from sexual exploitation and sexual abuse"*, the UN Secretary General defines sexual abuse as any *"actual or threatened physical intrusion of a sexual nature under unequal or coercive conditions"*. The UNSG Special Bulletin specifically targets and prohibits the purchase of a sexual intercourse by UN personnel: *"Exchange of money, employment, goods or services for sex is prohibited"*.

Language plays a key role and conveys values and vision for the world we want to live in. The women's movement expects all human rights to be implemented for all women and girls, and UN Women to address the system of prostitution with a vision of its role towards real equality between women and men.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights**
- b) women's ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

In February 2014, Members of the European Parliament adopted a resolution quoting the 1949 Convention and stating that *"prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality, and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union, including the goal and the principle of gender equality"*. Besides promoting human dignity, policies should obviously also aim to realise all women's human rights, including equality between women and men.

The reality of prostitution, as shared by women in prostitution and survivors, to frontline and women's organisations, tells us that prostitution is a system of violence against women: it builds on the continuum of male violence and perpetuates the tolerance for such violence. A vast majority of women in prostitution have suffered from sexual abuse before entering the system, face violence including murder, while in prostitution, and have to live with the mental, physical and sexual consequences of prostitution – a sex act with no mutual desire. As survivor Rachel Moran says: *"what is bought and sold in prostitution is not sex. It is sexual abuse. Prostitution is the commercialisation of sexual abuse"*.

The reality of the system of prostitution is also a reality of exploitation of vulnerabilities: women and girls, mainly from minorities or Indigenous communities or low castes or poorer countries. Policies which trivialize prostitution as a choice, or which criminalise women in prostitution, always lead to leaving behind the most vulnerable and fostering gender inequality. Countries which have legalised pimping have seen an increase of sex trafficking, but no better standards for equality between women and men, women's security or social inclusion.

Empowering women and girls – an objective of the 2030 Agenda – seeks to free women and girls from the systems which perpetuate inequalities, the same way the abolitionist movement freed our societies from slavery. Youth organisations are concerned by the widespread rape culture, fostered by the commodification of women's bodies in all spheres of society. Such culture is sustained by the systems of prostitution, which normalise the idea of men's entitlement to women's bodies. We cannot realise sexual rights, women's participation, peace and security, if the international community turns a blind eye on the intrinsic links between prostitution and gender inequality.

### **Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The sex trade must be understood as a system where many actors are involved, and which is intrinsically linked to the power dynamics of our societies. In this system, an overwhelming majority of women are bought and sold, by an overwhelming majority of men who are either sex buyers or pimps and traffickers. We face indeed a gendered phenomenon, which has to be understood in the framework of the gendered societies we live in, where power and decision-making are male dominated – including in the UN system.

Society is part of the system as it plays a role in supporting the sex trade or disrupting it. We strongly believe that public policies should not aim at mitigating the harm of a phenomenon, but at tackling its root causes and ending it. As said above, the system of prostitution, in all its forms (street prostitution, strip clubs, porn industry, escorting, in brothels, etc.), perpetuates violence against women and girls, and contributes to inequalities and discrimination for all women and girls, especially among the most vulnerable.

Harm, violence, stigma and discrimination are inherent to the system of prostitution, and cannot be reduced without ending the system itself. While harm reduction strategies are needed, they have to be part of a broader policy approach which targets prostitution as a demand-oriented market. Some countries have already implemented policies aiming to protect women and girls in and from prostitution: in Sweden, Norway, Iceland, Canada, Northern Ireland, and France, women in prostitution are not criminalized and are provided with social support and comprehensive exit programmes. Such policies address all actors of the system: they also provide quality education in formal and non-formal settings, they strongly condemn pimping and procuring (as requested by the 1949 Convention) as well as all forms of trafficking; and they criminalise the purchase of sex as a matter of social justice and a strategic way to disrupt the market.

No women would be harmed, abused, violated, stigmatised and discriminated in the sex trade if men did not pay for sex acts. If UN Women wants to be the 'global champion for gender equality', it has to

provide a visionary position to empower all women and girls and end all forms of domination including the system of prostitution.

### Signatories:

	1,6 million club for women's health	Sweden
	1000 Möjligheter / Foundation 1000 Opportunities	Sweden
	8th of March Initiative	Denmark
	Abolish Prostitution Now	Germany
5	Abolition2014	Germany
	Action Against Violence and Exploitation, Inc. (ACTVE)	International
	AFCJ - Association Française des Femmes des Carrières Juridiques	France
	African Women's Association (Afrikanische Frauenorganisation)	Austria
	Alliance for Parity Democracy (ADP)   Aliança para a Democracia Paritária	Portugal
10	Amalipe Center for Interethnic Dialogue and Tolerance	Bulgaria
	Amicale du Nid	France
	Anti Porn Men Project	UK
	Aperio	Czech Rep
	Apne Aap International	India
15	Apne Aap Women Worldwide	India
	Aretusa	International
	Asociación POR TI MUJER	Spain
	Association "Kauno moterų linija" (Kaunas Women' Help Line"	Lithuania
	Association for Democracy in Africa	Austria
20	Association for equal opportunities 'Ezerka' – Struga	Macedonia
	Association for improving the status of women in the contemporary social processes in Macedonia, "Women's action"	Macedonia
	Association for nonviolent communication	Slovenia
	Association for the Advancement of Portuguese Gypsy Women (AMUCIP)   Associação para o Desenvolvimento das Mulheres Ciganas Portuguesas	Portugal
	Association for Women in Cape Verdean Diaspora in Portugal (AMCDP)   Associação de Mulheres Caboverdeanas na Diáspora em Portugal	Portugal
25	Association Mén Non - Women of Sao Tome & Prince in Portugal   Associação Mén Non - Associação de Mulheres de São Tomé e Príncipe em Portugal	Portugal
	Association of Women Against Violence (AMCV)   Associação de Mulheres Contra a Violência	Portugal
	Association of Women 21st Century   Associação de Mulheres Séc. XXI	Portugal
	Association project to raise   Associação projeto criar	Portugal
	Association Women without Borders   Associação Mulheres Sem Fronteiras	Portugal
30	Associazione IROKO Onlus	Italy
	Autonomous Women's Centre	Serbia
	Bagong Kamalayan Survivors Group	Philippines
	Be Free cooperativa	Italy
	BGRF - Bulgarian Gender Research Foundation	Bulgaria
35	Birth Centre "U čápa"	Czech Republic
	BPW Sweden (Business and Professional Women Sweden)	Sweden
	Buklod ng Kababaihan (Prostitution Survivors)	Philippines
	Bulgarian Women's Lobby	Bulgaria
	Bündnis Stop Sexkauf	Germany
40	Bürgerinitiative gegen Bordell Marburg	Germany
	Care for Europe	International
	Caritas Lithuania	Lithuania
	CATW	International
	Cecym	Argentina
45	CEE Network for Gender Issues	Slovenia
	CELEM - Coordinadora Española para el lobby europeo de mujeres	Spain



	Center for Women War Victims ROSA	Croatia
	Center Women's Association	Sweden
	Centre for Women's Studies	Croatia
50	CFFB - Conseil des Femmes Francophones de Belgique	Belgium
	Choisir la cause des femmes	France
	CLEF - Coordination française pour le LEF	France
	CLES - Concertation pour la Lutte contre l'exploitation sexuelle	Québec
	CNDIFF	France
55	CNFL - Conseil National des Femmes du Luxembourg	Luxembourg
	Coalition Against Trafficking in Women - Asia Pacific	International
	Collectif de Pratiques et de Réflexions Féministes « Ruptures »	France
	Collectif Droits des Femmes	France
	Collectif Midi-Pyrénées pour les droits des femmes	France
60	Comisión para la investigación de los malos tratos a mujeres	Spain
	Comité Permanent de Liaison des associations abolitionnistes	France
	Community safety and Mediation Center	Romania
	Congregation of Our Lady of Charity of the Good Shepherd	International
	Coolabora   Coolabora	Portugal
65	Cooperative SEIES   Cooperativa SEIES	Portugal
	Coordination luxembourgeoise du LEF	Luxembourg
	Coordination of Greek Women's NGOs for the EWL	Greece
	CRIFIP - Centre de recherches internationales et de formation sur l'inceste et la pédocriminalité	France
	Cyprus Women's Lobby	Cyprus
70	Czech Doula Association	Czech Republic
	Danish Women's Society	Denmark
	Deep Green Resistance	UK
	Demetra	Bulgaria
	Development through Active women Networking foundation (DAWN Foundation)	Philippines
75	Doras Luimni	Ireland
	Dovetail Initiative	UK
	Eaves	UK
	EDO WOMEN DEVELOPMENT INITIATIVE	Nigeria
	Eisti Estonia	Estonia
80	Ekaterina Karavelova Association	Bulgaria
	EMMA	Germany
	ENoMW - European Network of Migrant Women	International
	EOS - Association of Studies, Cooperation and Development   EOS - Associação de Estudos, Cooperação e Desenvolvimento	Portugal
	Equality Now	International
85	Equality Question – Ass. for Social Innovation   Questão de Igualdade - Associação para a Inovação Social	Portugal
	Equipes d'Action contre le proxénétisme	France
	Espace Simone de Beauvoir	France
	Estonian Women's Associations Roundtable	Estonia
	European women lawyers association	International
90	EVAW - End Violence against Women Coalition	UK
	EWL - European Women's Lobby	International
	Exit Kollegiet, Reden International	Denmark
	Exit Prostitution Finland	Finland
	FEL - feminist and left	Belgium
95	Feminist Initiative	Sweden
	Femmes au centre	France
	Femmes en détresse	Luxembourg
	Femmes en résistance	France
	Femmes et Santé	Belgium
100	Femmes libres	France

	Femmes pour le dire, Femmes pour agir	France
	Femmes solidaires	France
	Fier	Netherlands
	FiLia	UK
105	Fokus	Norway
	Fondation Scelles	France
	Forum – Associazione Donne Giuriste	Italy
	Forum 50%	Czech Rep
	Forum Femmes Méditerranée	France
110	Foundation Caring for the Future   Fundação Cuidar o Futuro	Portugal
	Fourth Wave Edinburgh Feminist Activists	UK
	FPS - Femmes Prévoyantes Socialistes	Belgium
	Fredrika Bremer Association	Sweden
	Freethem	Austria
115	Freethem	Sweden
	Gender Project for Bulgaria Foundation	Bulgaria
	Girls of Odivelas - Association   Meninas de Odivelas – Associação	Portugal
	Gredi Dona	Spain
	Help in need	Czech Republic
120	Hibiscus Initiatives	UK
	Human Right office of Iceland	Iceland
	Hungarian Women's Lobby	Hungary
	ICI - Immigrant Council of Ireland	Ireland
	Imkaan	UK
125	Initiative Féministe Euroméditerranéenne IFE-EFI	International
	Initiative Stopp Sexkauf	Austria
	Institute for social creativity	Slovenia
	isala	Belgium
	Karo	Germany
130	KFUKS Sociale Arbejde / YWCIA Social Work	Denmark
	Klaipeda social and psychological services center	Lithuania
	KOFRA - Kommunikationszentrum für Frauen	Germany
	Kvennaráðgjöfin	Iceland
	Kvennfélagasamband Íslands	Iceland
135	Kvinnofronten (Women's Front)	Sweden
	Landersfrauenrat Baden-Wuerttemberg (51 members)	Germany
	L'Assemblée des Femmes Paris Ile-de-France	France
	Le Grand Chapitre Général Féminin de France	France
	Le monde à travers un regard	France
140	Le Monde selon les Femmes	Belgium
	LEF Italia	Italy
	L'Egalité c'est pas sorcier	France
	Les effFRONTé-e-s	France
	Les Moutons noirs	France
145	Libres Mariannes	France
	Ligue du Droit International des Femmes	France
	LISA Wiesbaden	Germany
	Lithuanian Women's Lobby	Lithuania
	London Abused Women's Centre	UK
150	Macedonian association of development and integration (MADI)	Macedonia
	Macedonian Women's Lobby	Macedonia
	Maisha e.V. African Women in Germany	Germany
	Manchester Feminist Network	UK
	Män för Jämställdhet Göteborg (Men for gender equality Goteborg)	Sweden
155	Marche Mondiale des Femmes 31	France
	Marche Mondiale des Femmes France	France
	Marta Center	Latvia

	MCWO - Malta Confederation of Women's Organisations	Malta
	MDM - Movimento Democrático de Mulheres	Portugal
160	Médicos del Mundo	Spain
	Mémoire traumatique et victimologie	France
	Men for Gender Equality	Sweden
	Men's Development Network	Ireland
	MIGS - Mediterranean Institute of Gender Studies	Cyprus
165	Missing Persons' Family Support Center	Lithuania
	MONA Foundation for the Women of Hungary	Hungary
	MONIKA - Multicultural Women's Association	Finland
	Non-Aligned Women's Movement	Greece
	Nordic Model Now	UK
170	Mouvement du Nid	France
	Mouvement Jeunes Femmes	France
	Mouvement National LE CRI	France
	Naisasialiitto Unioni - Feminist Association Union	Finland
	National Board of Catholic Women	UK
175	Nätverket mot Traficking	Sweden
	NAWO - National Alliance of Women's Organisations	UK
	NAWO Youth	UK
	NCWI - National Women's Council of Ireland	Ireland
	Network for European Women's Lobby	Serbia
180	NEWW	Poland
	Nisa ul Haqq fi Bangsamoro	Philippines
	NIWEP - Northern Ireland Women's European Platform	UK
	Nordic Model Advocates	UK
	Nordic Model Now	UK
185	NVR - Nederlandstalige Vrouwenraad	Belgium
	NYTKIS - The Coalition of Finnish Women's Associations	Finland
	O Ninho	Portugal
	Object	UK
	OLF - Osez le Féminisme !	France
190	Organization of Turkish women in Macedonia "Derya"	Macedonia
	Organization of women "Radika"	Macedonia
	Organization of women of municipality Sveti Nikole	Macedonia
	Organization of women of Skopje	Macedonia
	PETRA Network of NGOs for the Prevention and Elimination of Trafficking in Women	Croatia
195	PEXESO Family Centre	Czech Rep
	Polish Women's Lobby	Poland
	Portuguese Association for Women's Rights in Pregnancy and Child Birth (APDMGP)   Associação Portuguesa para os Direitos das Mulheres na Gravidez e no Parto	Portugal
	Portuguese Association of Women Lawyers   Associação Portuguesa de Mulheres Juristas	Portugal
	Portuguese Network of Young People for Gender Equality (REDE)   REDE Portuguesa de Jovens para a Igualdade entre Mulheres e Homens	Portugal
200	PpDM - Portuguese Platform for Women's   Plataforma Portuguesa para os Direitos das Mulheres	Portugal
	Portuguese Women's Studies Association (APEM)   APEM - Portuguese Association of Women's Studies	Portugal
	Projecto Tráfico de Mulheres - Romper Silêncios	Portugal
	RadFem Collective	UK
	Real Stars	Sweden
205	REFH - Réussir l'égalité femmes-hommes	France
	Regards de Femmes	France
	Renew Foundation	Philippines
	Research Centre of Women's Affairs	Greece
	Réseau Féministe « Ruptures »	France
210	Réseau méditerranéen contre la traite des femmes	International
	Resistenza Femminista	Italy

	Rights4Girls	USA
	Rights of Women	UK
	ROKS	Sweden
215	Romanian Women's Lobby	Romania
	ROSA Project	Norway
	Ruhama	Ireland
	Samaritana Transformation Ministries	Philippines
	Sanlaap	India
220	Scientists for a world without prostitution	Germany
	Scottish Women's Aid	UK
	Sisterhood is Global	International
	Sisters e.V.	Germany
	SKV - Sveriges Kvinnors Vänsterförbund	Sweden
225	Slovakian Women's Lobby	Slovakia
	Slovenian Women's Lobby	Slovenia
	Solidarité Femmes	France
	Solwodi	Germany
	SOS Help Line	Slovenia
230	Space Allies	Japan
	SPACE International	International
	Stigamot	Iceland
	Swedish Ecumenical Women's Council	Sweden
	Swedish Women's Lobby	Sweden
235	Talikala	Philippines
	Talita	Sweden
	Terre des Femmes	Germany
	The Nest Copenhagen	Denmark
	The Nest International	Denmark
240	The Nest Odense	Denmark
	The Nia project	UK
	The Swangroups	Denmark
	The Swedish Union of Soroptimist International	Sweden
	Turn Off the Red Light	Ireland
245	UK Feminista	UK
	UK Joint Committee on Women	UK
	Une femme, un toit	France
	UNIPA: Czech Association of Midwives	Czech Republic
	Université des Femmes	Belgium
250	Unizon	Sweden
	Verein feministischer Diskurs	Austria
	Vox Femina	France
	Wales assembly of women	UK
	W.O.M.E.N the organisation of women of foreign origin	Iceland
255	Women @ the well	UK
	WomanHealth	Philippines
	Women's Aid Federation Northern Ireland?	UK
	Women's Council in Denmark	Denmark
	Women's Equality Network Wales	UK
260	Women's Front (Kvinnefronten)	Norway
	Women's Liberation Front	UK
	Women's Line	Finland
	Women's Network Croatia	Croatia
	Women's NGOs cooperation network	Latvia
265	Women's Rights Association of Iceland	Iceland
	Women's shelter of reykjavik	Iceland
	Women's Support Project	UK
	World March of Women	Philippines

	Youth Action	UK
270	Youth and Students Advancing Gender Equality	Philippines
	YWCA Ireland	Ireland
	zeroimpunity	International
	ZéroMacho	France
	Zonta Clubs de France	France



### Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution

CAP international is a coalition of 14 frontline NGOs providing direct assistance to prostituted persons and victims of trafficking for sexual exploitation in 12 countries (India, USA, South Africa, The Netherlands, France, Lebanon, Canada, Denmark, Spain, Latvia, Ireland, Germany).

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

#### UNGA agreed language and UN agencies constituent obligation to protect and promote “human dignity”

As a preamble to our submission, we would like to invite all UN agencies to respect the use of UNGA agreed language when it comes to “prostitution” and its exploitation. **ALL** UN binding conventions related to this issue refer to “*prostitution*” and “*exploitation of the prostitution of others*”<sup>1</sup>. None of these binding treaties use the term “sex work”.

Prostitution and its exploitation cannot not be qualified by UN agencies as “work” since binding international human rights law recognizes that prostitution, and its exploitation, violate human rights.

One year only after the adoption of the Universal Declaration of Human Rights (1948), the General Assembly of the United Nations adopted the **Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949)**. This Convention is **part of formally recognized UN “universal human rights instruments”**<sup>2</sup> and is a binding treaty. It is the only UN binding instrument focusing specifically on prostitution and its exploitation. In its preamble the UN 1949 Convention states that prostitution and traffic in persons are “*incompatible with the dignity and worth of the human person*”.

The qualification of prostitution as a violation of human dignity is crucial since **the protection of the dignity and worth of the human person is a cornerstone of the whole human rights system and Law**.

The very first sentence of the **Universal Declaration of Human Rights (UDHR)** states that “*recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*”.

<sup>1</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) - Convention on the Elimination of All Forms of Discrimination against Women (1979) - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)

<sup>2</sup> See OHCHR compilation of international instruments – Volume 1, Second part “Universal instruments” : <http://www.ohchr.org/Documents/Publications/Compilation2en.pdf>

The protection of the dignity and worth of the human person is not only recognized as a fundamental principle by the UDHR but is also quoted as one of the « *ideals and common goals of all People whose Governments have gathered to create the United Nations* » in the **Preamble of the Charter of the United Nations** (1945).

All UN agencies and programs have a **constituent obligation to promote and respect “human dignity” and thus to abstain from legitimizing or trivializing prostitution**, which is recognized by international law as a violation of human dignity.

Furthermore, we would like to highlight that **paying for sex is internally explicitly recognized by the UN as a “sexual abuse”** and an abusive use of differential power. In his Special Bulletin on “*Special measures for protection from sexual exploitation and sexual abuse*”<sup>3</sup>, the Secretary General of the United Nations defines as a sexual abuse any “*actual or threatened physical intrusion of a sexual nature under **unequal** or coercive conditions*”. The UNSG Special Bulletin specifically targets and prohibits the purchase of a sexual intercourse by UN personnel: “**Exchange of money, employment, goods or services for sex is prohibited**”.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as

- a) reproductive rights
- b) women’s ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

**Prostitution and its exploitation are not only a violation of human dignity, but also a form of male sexual violence, a fundamental obstacle to gender equality and to women’s empowerment.** CAP international member organizations provide direct assistance to thousands of prostituted persons in 12 countries and can demonstrate that prostitution violates the most fundamental human rights to security, physical and psychological integrity, health, and equality.

**In order to achieve the targets and objectives identified in SDGs, we strongly recommend States and international organizations to promote the adoption of policies that:**

**Priority 1:** repeal all forms of criminalization of prostituted persons and victims of trafficking for the purpose of prostitution.

**Priority 2:** criminalize all forms of pimping, procuring and trafficking in human beings and thus reject any attempt to decriminalize “acceptable” forms of pimping and procuring.

**Priority 3:** offer real alternatives and exit options for those being sold or selling sex and guarantee access to fundamental social rights such as: right to housing, right to a decent job, and right to health.

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<sup>3</sup> UNSG Special Bulletin on “*Special measures for protection from sexual exploitation and sexual abuse*: <http://www.pseataaskforce.org/uploads/tools/1365153401.pdf>

**Priority 4:** develop protection and access to justice and rights programs for prostituted persons and victims of trafficking in human being, including access to a protection residency permit for foreign victims, access to financial compensation for all victims, and access to effective protection as witness or victim.

**Priority 5:** criminalize the purchase of sex and thus extend the prohibition to impose sex acts, being by the physical, psychological or the financial constraint. Prohibiting the purchase of sex is also the most effective and proportionate measure to implement States obligation to eliminate trafficking in human beings and the exploitation of the prostitution of women.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

All over the world, and throughout history, **the most systemically disadvantaged groups have been overrepresented in sexual exploitation and prostitution.** Prostitution is a highly gendered and patriarchal system that disproportionately affects the poorest women and young children. Victims of incest and sexual violence, indigenous women and children, low caste communities, migrant women and children, and women and girls from ethnic minorities are still the primary victims of sexual exploitation by pimps, traffickers and sex buyers.

**More generally, prostitution is part of a continuum of sexual violence and of a long patriarchal tradition of making women and their bodies available for men's profit.** A sex act imposed by the physical or financial constraint is a rape. Sex acts imposed by the abuse of authority (an employer on an employee, an adult on a child) constitute sexual harassment or incest. As stated by UNSG Kofi Annan, a sex act imposed "*under unequal or coercive conditions*" is a "*sexual abuse*". Thus, a sex act imposed by the financial constraint is also, in itself, a sexual abuse. Sex buyers are men who exploit the precariousness and vulnerability of prostituted persons to impose a sex act by the financial constraint.

**Prostitution and trafficking for sexual exploitation are thus inherently violent and harmful. The only way to protect women "*from harm, violence, stigma and discrimination*" is to end the sex trade.** While doing so, States should immediately:

- Stop any form of criminalization of prostituted persons themselves
- Offer them protection, access to fundamental rights and exit options.
- Put an end to the impunity of those who economically and sexually exploit women, men and children (traffickers, pimps, sex buyers)

**The specificity of the exploitation of prostitution of others and of trafficking for sexual exploitation, compared to other forms of crimes, is that these human rights violations are driven by profit.** Traffickers, pimps and procurers exploit women, men and children only to meet sex buyers' demand. No women would be harmed, abused, violence, stigmatized and discriminated in the sex trade if men did not pay for sex acts.

Please send your input to [consultation@unwomen.org](mailto:consultation@unwomen.org) by 16 October 2016 with the subject title "Written submission".





October 31, 2016

UN Women  
405 East 42nd Street  
New York, NY 10017  
United States  
Email: [consultation@unwomen.org](mailto:consultation@unwomen.org)

**Re: Consultation on UN Women's approach to sex work, the sex trade, and prostitution**

Dear Distinguished Members:

We hereby submit the Coalition Against Trafficking in Women (CATW)'s answers to the questions to which UN Women invited civil society to respond. CATW is an international NGO working to end human trafficking and the sexual exploitation of women and girls. It recognizes these human rights violations as gender-based violence and discrimination. CATW engages in advocacy, education, direct services and prevention programs for victims of trafficking and exploitation in Asia, Africa, Latin America, Europe and North America.

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

While CATW welcomes and appreciates this invitation to submit comments hereto, the question before us is how UN Women, as a United Nations entity, should address prostitution within the framework of promoting and protecting the fundamental rights of women and girls around the world? This is a complex question of interpretation and application of international law, one that civil society is generally unqualified to assess.

The UN's Office of Legal Affairs is instead the entity that could assist UN Women with the interpretation of international law as it addresses the exploitation of prostitution of women and girls and its related terminology. "Sex work," for instance, is not a term, concept or rhetoric that exists in international law or is embedded in human rights principles. The phrase "sex work" has its origins in the multi-billion dollar global sex trade, both legal and illegal depending on Member-States' jurisdictional systems. That "sex work" is now commonly used in civil society, the media and by certain UN agencies to describe prostitution must not guide UN Women or Member-States into an interpretation of international law that is inconsistent with its provisions and stipulations and those of the Universal Declaration of Human Rights.

To name just three conventions, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, each informs us about the exploitation of prostitution, particularly in the contexts of abuse of power and abuse of vulnerability toward women and girls, and the violation of their rights.

UN Women must also take note of two internal, official UN policies on prostitution and other forms of sexual exploitation:

- (1) The 2003 UN Secretary General's *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, which specifically prohibits all UN personnel to engage in the "exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior...";
- (2) In 2004, the UN Department of Peacekeeping Operations (DPKO) reinforced and expanded this UNSG Special Bulletin policy, making it a punishable offense for UN military, peacekeepers, and related personnel to engage in commercial sexual activities, including prostitution, regardless of whether prostitution is legal in the jurisdiction in which the peacekeepers or UN personnel operate. UN policy identifies prostitution as an act of sexual exploitation.

The 2030 Agenda is based on these principles and re-confirms the commitments made by Member-States in accordance with the covenants, resolutions, policies and other UN instruments to which they have pledged implementation. If the 2030 Agenda truly envisions leaving no human being behind, including women and girls, then any interpretation of whether the sex trade fits into a vision for women and girls that includes the right to health, education, freedom from violence and discrimination, and reaching her full potential, will be null and void.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as



- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

One of the premises of the UN's Sustainable Development Goals (SDGs) is that there will be no development without security and no security without development. This also applies to the personal and all-inclusive security of women and girls as *sine qua non* for the realization of their lifecycle development and full fundamental human rights. The purchase by male sex buyers of women's bodies for sexual acts annihilates all of the targets and objectives listed in this question and beyond.

We urge UN Women to abide by international law and human rights principles. Should UN Women bypass these frameworks, however, prior to reaching any conclusion as to whether "sex work" is different from prostitution or whether it has links to sex trafficking or not, UN Women must urgently call on other UN agencies to undertake a comprehensive review of the full array of physical, psychological and psychiatric harms of prostitution on women and girls and its impediments to gender equality. It is impossible and would be irresponsible for UN Women to issue any official position on prostitution and "sex work" without objective scientific, medical and epidemiological data on this culturally-accepted and harmful commercial institution.

One of UN Women's obligations is to offer a gender lens to other UN agencies whose expertise does not encompass an understanding of the full spectrum of violence and discrimination on the basis of sex. UN Women must therefore immediately engage, among other specialized agencies, the International Labour Organization (ILO) and the World Health Organization (WHO) to conduct population-based surveys in legal brothels in designated countries to document the harms, "occupational" hazards and violence in prostitution, and its impact on women:

-  The ILO is well-situated to undertake such studies. It has issued reports on gender-based violence in the workplace, but has to date therein excluded sex establishments, deemed "workplaces" by proponents of "sex work." The population interviewed could not include either brothel owners, managers or members of "sex worker" unions, but solely the women bought and sold in selected commercial sex establishments outside of those affiliations for purposes of objective assessments.
-  The WHO also has a responsibility to launch in-depth empirical studies on the full range of health consequences—including physical and psychological—of prostitution on women. These must not be narrowly limited HIV/AIDS prevention, however critically important. For decades, civil society dedicated to the promotion and protection of women's rights has pressed the UN and its agencies to conduct research on the devastating effects of female genital mutilation, child marriage, domestic violence and other harmful cultural practices that specifically target women and girls. As a result of in-depth research and findings, the WHO has helped the international community understand that these violations, steeped in culture, religion and/or tradition, are in fact human rights violations that impede achieving gender equality and the empowerment of all women and girls.

The critical question here is whether prostitution is *intrinsically* harmful to women and girls. We believe it is. Extensive and objective research will inexorably lead to findings confirming that prostitution is also a manifestation of what the WHO calls culturally-approved "markers of masculinity" or males' entitlement to assert power and control over the bodies and lives of women and girls.

Such research will also undoubtedly confirm that the means through which a woman first entered the sex trade has no bearing on the inherent harm that prostitution causes women. Regardless of her legal or other status in prostitution, we need scientific assessments of the pervasive injuries that result from serial, monetized, sexual invasion of women's bodies by significant numbers of male strangers, whose relationship to these women is defined by an imbalance of power and the exchange of money, goods or services for sexual acts.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

In a note distributed on October 9, 2013, via email from UN Women to an undisclosed number of recipients worldwide, UN Women expressed concern about "sex workers and victims of trafficking...realizing their rights" and called for the decriminalization of "sex work" as a means to protect women bought and sold in prostitution.

The human rights of women in prostitution are as inherent to them as to any woman by virtue of her birth. Therefore, the decriminalization of the sex trade is not only unnecessary as a

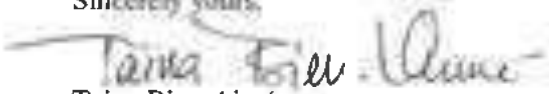
legal tool for the purpose of securing women's rights, but to the contrary, it promotes and endorses the exploitation of women by traffickers, pimps, procurers, sex buyers and other perpetrators of violence. Regardless of the legislation governing it, prostitution by definition is stigmatizing, with acutely high risks of violence and discrimination at the hands of sex buyers and pimps. The optimal legal framework that addresses this egregious form of gender-based violence and discrimination is one that holds sex buyers accountable for the harm they cause and *solely* decriminalizes prostituted women, mandates governments to provide them comprehensive services and offers exit strategies should women opt to leave the sex trade.

The United Nations, including UN Women, has examined the gender-inequitable social norms and beliefs that support violence and discrimination against women. In each case, the analysis entails links to male dominance, aggression, sexual access to and sexual violence toward women and girls coupled with girls' and women's low socio-economic status. Impunity for these human rights violations is widespread in every country of the world. Based on survivors' testimonies and front-line service providers who work with prostituted women globally, the physical, sexual, and emotional abuse that is inherent to the sex trade, including prostitution, is not and will never be an exception to the gender-based violence described above.

Finally, in its role as gender adviser, UN Women should remind the WHO, for example, that as an entity informed by medical doctors, it must abide by the "first, do no harm" tenet. In the context of the sex trade, this means that UN Women must exhort the WHO, and every UN agency, to reject frameworks that legalize or decriminalize prostitution. Laws that decriminalize pimps and sex buyers promote the expansion of a global marketplace of commercialized sexual violence against the most marginalized women with impunity.

We urge UN Women to reach the same conclusion and to stand with all women and girls, without exception. Thank you.

Sincerely yours,



Taina Bien-Aimé  
Executive Director  
Coalition Against Trafficking in Women

Please send your input to [consultation@unwomen.org](mailto:consultation@unwomen.org) by 16 October 2016 with the subject title "Written submission".



## **Coalición Regional Contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe, A.C.**

**Consultation to obtain assessments about UN women approach to sexual work, sexual commerce and prostitution.**

**Send to: [consultation@unwomen.org](mailto:consultation@unwomen.org)**

### **INTRODUCTION**

The Coalition Against Trafficking in Woman in Latin America and the Caribbean, A.C. is a network that operates in 26 countries in Latin America and the Caribbean and has a membership of more than 300 organizations. It is built by national networks with a National Director in each country, a Board of Directors composed by the 26 National Directors and it's president is the Regional Director, moreover we have a Consultative Board with the participation of academic and leading women in our Region.

In the Latin America and the Caribbean Region, located in the global south, impunity reaches 98.5%, poverty and extreme poverty strikes approximately 60% of population. Our governments declared war to organized crime, which has brought the militarization of our countries, even in Colombia where today they talk about peace, the human rights of citizens have got blur, particularly women and girls human rights.

The given result are failed states in which women are being gunshot murdered, tortured, dismembered, cooked (completely burned), the reason is the lack of opportunities consequent of states that neglect women kidnaped, lifted, captured by trade mafia or used as war award, in the public policies. In Latin America and the Caribbean, we are missing women because of the structural violence and war has silenced their voices.

The Latin America and Caribbean governments has adopted public policies and laws to respond to violence against women, although their greatest efforts, still insufficient, they have been targeting domestic violence, leaving unattended discrimination and other types of violence. That is why we say that our government has not fulfilled the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The authorities have failed in their duty to act with the due diligence. They have also failed to guarantee non-repetition, to ensure access to justice for women, who have to overcome a series of legal barriers, bad

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## **Coalición Regional Contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe, A.C.**

treatment and re-victimization, all of these after suffering discrimination and violence; nor they have ensured the due process for women accused of having committed a crime by stereotypical discrimination, which they are judged with.

Femicide has increased due to the exclusion and discrimination that Latin American and Caribbean women lives, compounded by the presence of official and non-official armed groups, this is because of the following: impunity, institutional violence, corruption and stigmatization of the victims by the authorities. Despite of the approval of laws that guarantees to women a life free of violence, the femicide keeps increasing at a rapid pace.

Prostitution and other forms of sexual exploitation increase in the context of war. Organized crime finds a way of diversify and increase gain by selling and leasing the women bodies, on the other hand, the Latin America and Caribbean states, do not respect any of the women safety guarantees, the result is danger, because of the armed and security forces are composed by men which consumes prostitution and might be rapist.

At last, poverty in Latin America and the Caribbean affects more the indigenous and country persons, been 46% in the city and 60% in the country land. According to WB and IMF inform, eight out of ten indigenous people is in poverty. Indigenous women and countrywomen are forced to join drug trafficking ranks. The economic help given by our governments to women thought multiple programs is not enough to make a structural change. More over the help given is without gender perspective, because it is conditioned and women must prove that they are engaged in the development of housework and care of their children, perpetuating the stereotypes that women are responsible for the private sphere and the care of the children.

The violation against the rights of migrant women, teenagers and girls are invisible; Latin American governments do not generate enough public policies to assist and protect the needs of migrant populations, there are no updated statistics data of incidence in migrant women reported as missing, murdered, raped, trafficking victims and in prostitution.



## **Coalición Regional Contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe, A.C.**

**Question 1) The 2030 agenda it's committed to the principle of universality, the human rights and with not leaving any one behind. How do you interpret these principals in relation with the sexual work, sexual commerce or prostitution?**

The fact that we talk about not leaving any one behind to me means that mechanisms for the respect of justice, of social, economic, cultural and environmental rights needs to be afford and deepen by our governments (DESCA). These rights are the rights that guaranteed opportunities to everyone and in no way, it implies a violation to Article 6<sup>th</sup> of CEDAW. It will be so easy for the governments to recognize prostitution as work. This will be a great gift to the global sexual commerce industry, because if prostitution is recognized as a work, state will not worry about granting opportunities of housing, decent job, education, health, etc. for women, girls and teenagers, this because us women have integrated in our bodies our work tools. It is very serious that UN who is supposed to take care of women rights is promoting the recognition of "sexual work". It seems that they forgot about girls and teenagers who are exploited by the global sex industries.

**Question 2) The Objectives of Sustainable Development (OSD) intends to reach gender equality and empowerment of women and girls. Likewise, OSD includes multiple goals relative to empowerment of women, such as a) reproductive rights, b) access to property of lands and goods, c) development of peaceful societies, d) eradication of women trafficking and e) ending violence against women. How do you suggest that policies about sexual work/commerce/prostitution can promote these goals and purposes?**

These goals cannot be promoted by policies about sexual/commerce sexual/prostitution, as to guarantee life, integrity, security, dignity of women. Prostitution must be eradicated, because trafficking hides behind the badly called "sexual work", same as the sexual exploitation of girls and teenagers. Prostitution is a deeply patriarchal institution that perpetuates stereotypes that reduces women, girls, boys, and teenagers as sexual objects for the uncontrollable sexual hunger of men, that by the way represent a profound patriarchal and misogynous system.





## **Coalición Regional Contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe, A.C.**

Also, as long as we know, the Objective of Sustainable Development includes the elimination of all forms of violence against women and girls in the public and private spheres, including trafficking, sexual exploitation and other forms of exploitation.

We think that the best way to promote this goals are achieving full gender equality and through a clear commitment to end violence against women by punishing the demand, the generation of exit options, opportunities of decent life and decriminalization of women in prostitution.

### **Question 3) Sexual commerce presents a gender bias. In what way can we protect women of the harm that violence, stigma and discrimination that such commerce carries?**

The answer is the sum of what we have discussed, we have to take in count that once a women in prostitution enters the room with "the client", they find themselves alone and the owners of the brothels do not take care of them, they take care of their clients and interests. It seems to us that the answer is in the construction of human security for everyone, eradicating prostitution and achieving that no one has to sell their bodies to survive, that sex is for pleasure and free relationships, agreed and none violent. Recognize prostitution as sexual work rise the damage to physical and emotional health of women by the fact of calling them "sexual workers" do not reduce the social stigma and discrimination that culturally has accompanied this activity.

Also, it should be acknowledged explicitly that women in prostitution should be recognized as "women affected by circumstances or are perceived as part of some groups that may be subject to specific or generalized forms of discrimination". This includes women and girls sexual exploited, because they are affected by particular circumstances of some groups and they are subjected to widespread forms of discrimination that will not cease by the fact of recognizing prostitution as sex work. The 19<sup>th</sup> General Recommendation of CEDAW Committee emphasizes the discrimination against women in prostitution and its primary causes are poverty, unemployment, traditional values, and even political instability.

An effort should be made to eradicate gender stereotypes, such as the ideas that men have rights to own women's bodies, to address the men's need of control and power over women, reinforced by gender roles that





## **Coalición Regional Contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe, A.C.**

prevail; discourage the social sanction to women's behaviors that are considered socially unacceptable. These factors also contribute to the implicit or explicit social acceptance of gender-based violence and the widespread impunity in our region and the global south. We suggest that this consultation and politics to adopt be an opportunity to make a strong call to eradicate these stereotypes and assert that no human being can be sold or leased. In addition, should include a call to eradicate "pornography or any representation or form of exploitation of women as sexual objects, which undoubtedly contributes to the spread of gender-based violence". (GR 19, to. 12).

### **Regional Director**

**Mta. Teresa C. Ulloa Ziáurriz**

1. Defensoras Populares-México, 2. CEMUJER-El Salvador, 3. Mujeres por la Democracia- Nicaragua 4. CATWLAC- Guatemala, 5. CATWLAC- Panamá, 6. CATWLAC- Honduras, 7. CATWLAC- Panamá, 8. Fundación Justicia y Género – Costa Rica, 9. Fundación Rabah- Costa Rica, 10. Centro Amar- Perú, 11. CATWLAC- Perú, 12. CATWLAC- Venezuela, 13. CAP-Brasil, 14. PAL-Brasil, 15. ASOMUPCAR-Colombia, 16. CATWLAC- Bolivia, 17. CATWLAC – Paraguay, 18. CATWLAC-Argentina, 19. CATWLAC- Chile, 20. CATWLAC-Uruguay, 21. CATWLAC-Haiti, 22. CATWLAC-Jamaica, 23. CATWLAC-Cuba, 24. CATWLAC- Puerto Rico, 25. CATWLAC- Dominican Republic, 26. CATWLAC- Trinidad and Tobago, 27. CATWLAC- Belice, 28. CATWLAC- Barbados, 29. Víctimas y Ofendidos del Estado de Morelos, 30. Red de Madres Buscando a sus hijas, 32. Grupo VIDA, 33. Fundación Buscando a Nuestras Hijas, 34. Red Latinoamericana de Jóvenes contra la Trata y la Demanda de Prostitución, 35. Coalición por la Abolición del Sistema Prostituyente, 36. Red Género y Economía, 37. Mujeres por la Paz- México, 38. Corporación Género y Justicia- Mexico, 39. Grupo de acción por los derechos Humanos – México, 40. Movimiento 24ª-México, 41. Red de Feministas por la Abolición de la Prostitución-LAC,

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## **Coalición Regional Contra el Tráfico de Mujeres y Niños en América Latina y el Caribe, A.C.**

**42. Desobediencia y Felicidad- Argentina, 43. Red Violeta-México, 44. Maestras y Maestros contra la Explotación Sexual Infantil, 45. Católicas por el Derecho a Decidir- Argentina y Colombia, 46. Hijas e Hijos de Sobrevivientes de la Prostitución- Colombia, 47. La Casita de la Esperanza- México, 48. Espacio Mujer-México, 49. Arte Lesbos- México, it follows 200 more signatures...**

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**Avenida Centenario 585, Colonia Lomas de Tarango, Delegación Álvaro Obregón,  
México, D.F., C.P. 01620 - Tel: (55) 2614 1488, Fax: (55) 5272 1907**

**Congregation of Our Lady of Charity of the Good Shepherd**

**NGO in Special Consultative Status with ECOSOC**



60 East 42<sup>nd</sup> Street, Suite 1438  
New York, New York 10017 USA

Tel/Fax 1 212 599 2711

**Submission to:** [consultation@unwomen.org](mailto:consultation@unwomen.org)

**Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution.**

(Please keep your response to the above questions to a maximum of 1,500 words in total. Your responses to the above questions will be very valuable for UN Women.)

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

‘Sex work/trade or prostitution’ is contrary to the principles enunciated in the opening lines of the Universal Declaration of Human Rights: “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

‘Sex work/trade or prostitution’ is a consequence of leaving people behind in poverty, excluded, marginalized, uneducated, without access to health care, to decent work, and is in fact violence against persons rather than a human right or in any way an expression of universality. ‘Sex work/trade or prostitution’ is today an organized, globalized corporate and criminal enterprise prioritizing lust, greed and profit, while eroding dignity, respect, and personhood and blatantly violating the human rights of prostituted persons.

The discussion is not about universality and human rights but about two different ways of relating to persons - one with respect and dignity, upholding integrity and human rights, and the other exploitative, objectifying the person, seeing people as commodities, objects of pleasure to the ‘user,’ and a source of financial profit and gain to the industry.

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*“Our commitment to reconciliation demands that we promote justice and peace...”*

If ‘sex work’ enters the realm of ‘decent work,’ then girls and women will indeed be left behind.

Human rights are at the core of the 1949 Convention for the Suppression of the Traffic in Person and the Exploitation of the Prostitution of Others when it states that prostitution and traffic in persons are ‘incompatible with the dignity and worth of the human person.’”

**Question 2)** The Sustainable Development Goals (SDGs) set out to [achieve gender equality and to empower all women and girls](#). The SDGs also include several targets pertinent to women’s empowerment, such as

- a) reproductive rights
- b) women’s ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Implementation of the 2030 Agenda for Sustainable Development, with its goals, target and indicators, is a major factor in addressing the multiple injustices done to girls and women. The cumulative negative impact of the issues listed above – the denial of sexual and reproductive rights and education to girls and women, gender inequality in matters of ownership etc., conflicts, the scourge of human trafficking, and the pandemic of violence against girls and women - are some of the contributing factors to vulnerability to ‘sex work/trade/prostitution’. Prostitution needs to be named for its exploitative nature. Those who benefit from prostitution prey on the vulnerabilities of the most marginalized. If the language of ‘sex work/trade or prostitution’ is introduced into policy then the noble vision of the 2030 Agenda for achieving gender equality and empowering all girls and women will be flawed, and the creators and holders of the vision complicit in the justification of gender-based violence.

Further, the 2030 Agenda for Sustainable Development leaves unaddressed the underlying systemic causes of prostitution, namely misogyny, patriarchy, power imbalances, and male privilege.

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*“Our commitment to reconciliation demands that we promote justice and peace...”*

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

**Language is a very powerful tool**, and to refer to the exploitation of girls and women as ‘the sex trade’ conceals the gendered nature of the oppression experienced by the majority of prostituted girls and women.

There is a loss of consciousness and sensitivity to dignity and respect for the ‘person’ when we speak of the ‘sex trade’ as if a person can be traded like coffee or diamonds or arms. One type of slavery ended over 200 years ago but a new type of slavery has taken hold, fueled by lust and greed, using a market model of supply and demand – that of the ‘sex trade.’ We are asking the wrong question by asking ‘how can we protect women ‘in the trade’ from harm, violence, stigma and discrimination?’ and even sanitizing the framing of the question by not identifying ‘the trade’ as the ‘sex trade.’

Prostitution presented as ‘sex work’ and as ‘the trade’ are part of a global exploitative mentality where everything is calculated in terms of how it increases wealth/profit for the ‘owners’. It is this same mentality that has given rise to the need for SDG 10 on addressing inequality and SDG 13 on addressing climate change adaptation to name but two of the goals.

The ‘sex trade’ is indeed gendered, and permitting the continuance of commercial sexual exploitation of any person is collusion in violence against women, and an assault on human rights. The best way to protect girls and women is to **provide fully-resourced exit strategies**. In fact, fulfilling the 2030 Agenda for Sustainable Development would go a long way in ensuring that women and girls were not vulnerable to being prostituted through poverty, hunger and malnutrition, lack of education and absence of services.

Girls and women in the ‘sex trade’ can be best protected by courageously **addressing the issue of sexuality as a human, relational activity that confers dignity, respect, wellbeing, and care for the other**.

**Abolishing the ‘sex trade’ and related industries that promote it.** The ‘sex trade’ is entangled in systems and structures that facilitate exploitation and abuse, particularly of girls and women. This is further entangled with the pornography industry, an advertising industry that sexualizes and objectifies girls’ and women’s bodies, and social media that facilitates such ‘trade’ to occur.

**Begin with an analysis and appreciation of a new consciousness of the interconnectedness of all living being and the cosmos itself.** Promote this new consciousness of respect, dignity and interconnectivity of humanity and the planet. An ideology that recognizes the human dignity of girls and women in a world where the forces of greed, profit and lust seem to hold sway, promotes true gender equality and respectful human relationships. ‘Leave no one behind’ can be interpreted as ensuring that every person is treated with respect, recognizing that male and female are interrelated, having laws and behaviors ensuring that not a single person is a user/owner/exploiter of another person who becomes the object of exploitation/owned, abused and from which profit can be made.

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*“Our commitment to reconciliation demands that we promote justice and peace...”*

**Men and boys** must be confronted and helped to appreciate the ‘partnership relationship’ that exists between the sexes.

It is not enough to be moved to tears and outraged on hearing Nadia Murad Basee Taha recount her story in the Security Council in December 2015. We must be moved to tears every day and outraged that our sisters are used and abused within the ‘sex trade.’ Yes, outraged by the fact that girls are sexually abused in their own homes, communities and neighborhoods on a daily basis. We must be outraged that girls are marginalized, discriminated against and rendered vulnerable by poverty to a system of prostitution which objectifies and commercializes them in the ‘sex trade’. **It is time to stand up as a global community to this long-standing exploitative practice and name it.** We must acknowledge that the fundamental reasons for the practice of prostitution are indeed gendered, stemming from patriarchy, misogyny, power and assumed male privilege.

Sexual violence has been and continues to be institutionalized in a system of ‘sex work/trade or prostitution.’ References to the ‘oldest profession or ‘oldest oppression’ indicate the nature of the debate on both sides. Implementation of the **Nordic Model** focusing on demand, criminalizing pimping, brothel keeping, procuring and trafficking but decriminalizing prostituted persons is the strategy that comes closest to protecting prostituted girls and women from harm, violence, stigma and discrimination.

Submitted by: Winifred Doherty

[winifreddohertyrgs@gmail.com](mailto:winifreddohertyrgs@gmail.com)

On behalf of the Congregation of our Lady of Charity of the Good Shepherd

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*“Our commitment to reconciliation demands that we promote justice and peace...”*

**Jessica Neuwirth, Executive Director of Donor Direct Action, a project of the Sisterhood is Global Institute**

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Leaving nobody behind means giving all people, including women, equal opportunity. Prostitution is a manifestation of inequality, a path chosen mostly by women who have no other viable options for income. This is a “choice” made in the absence of other choices and it is a violation of the human rights of women who make it not to have had these other choices. The Universal Declaration of Human Rights (UDHR) is premised on the “inherent dignity and of the equal and inalienable rights of all members of the human family.” It sets forth the right of everyone to education, to employment and to social security, to a standard of living adequate for the health and well-being of every person and his or her family. Article 22 of the UDHR promises “the economic, social and cultural rights indispensable for his [her] dignity and the free development of his[her] personality.” Prostitution, a form of commercial sexual exploitation, is entirely incompatible with these rights.

As recognized by the UN Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in 1949, “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 and endanger the welfare of the individual, the family and the community. The UN Convention on the Elimination of All Forms of Discrimination Against Women accordingly calls on all states to take steps to eliminate the exploitation of prostitution of women, which it links to trafficking in women. The commodification of women’s bodies is a form of subordination, and the fact that some women may independently enter the sex trade -for lack of other survival alternatives - does not erase the inherent subservience to which they are subjected in the sex trade. Equality is a fundamental human right that is hindered not advanced by systematic subordination of women through the industry of prostitution.

**Question 2)** The Sustainable Development Goals (SDGs) set out to [achieve gender equality and to empower all women and girls](#). The SDGs also include several targets pertinent to women’s empowerment, such as

- a) reproductive rights
- b) women’s ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Women’s empowerment starts with education, employment and independence, which gives women the power to shape their own lives. Historically in many countries, and still today in some countries, women have been unable to leave their violent husband batterers because they had nowhere to go and no way to support themselves. The SDG targets cited in the question all relate to each other as components of independent agency. Prostitution is inextricably linked with the trafficking of women, and many understand it as a form of violence against women – as a sex trade survivor has called it “the commercialization of sexual abuse.” Sex trafficking depends entirely on the commercial sex industry, and the demand for prostitution drives the sex industry. It is predictable that as

women in their own countries gain economic power, prostitution in these countries increasingly involves women brought in from other countries – it is no accident that the sex trafficking trade routes go from impoverished countries to wealthier countries. In the SDGs, women’s empowerment is explicitly linked to gender equality. Prostitution is fundamentally incompatible with gender equality.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Sweden pioneered a model of intervention that has been increasingly adopted in other countries, most notably France. This innovative model protects women from harm, violence, stigma and discrimination without protecting the industry that harms, violates, stigmatizes and discriminates against them. It recognizes the difference between those who exploit (by pimping and buying women) and those who are exploited (the women who are bought). It penalizes those who abuse their power to exploit women and it protects prostituted women by offering them protection and support, and viable alternatives. The myth that legalization of prostitution protects women in the sex trade has been belied by the realities experienced in countries such as the Netherlands that have legalized prostitution. These countries become a magnet for sex trafficking, and are increasingly recognized as failed experiments. We all agree that prostituted women should never be criminalized. Where we disagree is whether the sex trade as a whole should be similarly protected. This is a dangerously misguided approach to an industry that is built on exploitation.





Postnet Suite 29, P Bag X9190  
Cape Town 8000, South Africa  
Tel: +27 (21) 4623902  
info@embracedignity.org.za  
www.embracedignity.org.za

**16 October 2016**

**Embrace Dignity Submission on Prostitution to UN Women**

**Introduction**

Embrace Dignity is a South African frontline feminist organisation that recognises prostitution as harmful, abusive, exploitative, and that it underpins and entrenches patriarchy.

In giving expression to these understandings: -

- We pilot projects to empower women in prostitution to increase their options by providing and sourcing services and developing models for exit.
- We advocate for an Equality or Nordic type of law, adapted to the particular circumstances in South Africa. We prefer to call it an Equality law as it is based on the need to promote gender equality and address an institution of structural violence against women.
- We conduct public education to raise awareness of the harms of prostitution and the recognition of the dignity and human rights of women in prostitution.

**Question 1): The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

**a. Universality.**

We assume that in fact the UN and UN Women do have a position on prostitution based on the International agreed commitments, values and language, including the 2030 Agenda for Sustainable Development. These are:

- The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). The Convention says that prostitution and traffic in persons are “incompatible with the dignity and worth of the human person”;
- The Beijing Platform for Action;
- The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW);
- The Universal Declaration of Human Rights; and
- The UN Palermo Protocol (2000).

The UN also has directives for its own staff in the Special Bulletin on “Special measures for protection from sexual exploitation and sexual abuse” which specifically prohibits the purchase of sexual intercourse by UN personnel.

Embrace Dignity NPO number      088-880-NPO  
Board Members

NC Madlala-Routledge, N Vanqa-Mgijima, N Dube, M Muzaneza, J Routledge

**b. Human rights**

Our position on policy and the law, informed by the voices of prostituted women and our experience working with women in prostitution, is that prostitution undermines their right to gender equality and dignity. The prostituted women we work with say they would leave prostitution if given other options as they do not regard it as dignified and decent work.

Prostitution undermines gender equality by commodifying the sex act, and treating women as objects to be bought. It promotes the understanding that all women can be bought, used and abused. We believe that the purchase of the sex undermines the human dignity of the bought.

Prostitution is a structural economic and patriarchal form of violence against women, and needs to be addressed at the policy level as well as the personal level. State Parties are under a binding obligation to respect and to protect the dignity of the human person, which is a cornerstone of international human rights law. Prostitution cannot be considered work as it undermines the right to equality and dignity.

**c. Leaving nobody behind**

All women in prostitution are marginalised and exploited. Although we believe that the law should be universally applied, priority for support and services to increase options to exit, should focus on the most vulnerable, most exploited and those with the least options.

**Question 2): The Sustainable Development Goals set out to achieve gender equality and to empower all women and girls. The SDG's also include several targets pertinent to women's empowerment. ... How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

**a) Reproductive rights**

Prostitution undermines and compromises women's reproductive health (in particular HIV status and HPV (linked to cervical cancer). Power inequality between women and men undermines women's ability to negotiate condom use. South Africa has the largest HIV incidence and the legal status of prostituted persons compromises their access to reproductive health rights. Some staff at government health facilities are hostile towards people in prostitution. Our preferred law decriminalises the seller so as to shift the stigma and improve access to health and justice services. However the buyer should remain criminalised so as to reduce the demand and men's entitlement to women's bodies.

**b) Women's ownership of land and assets**

In South Africa women in rural areas under patriarchal tribal law treats women and girls as second class citizens and allocates traditional land to men and not women. This increases their vulnerability. This vulnerability may lead to them being trafficked to urban areas and prostituted. The traditional practice of "Ukuthwala" or abduction for marriage is considered a form of trafficking.

The migratory labor system makes women less secure economically and they become dependent on men and can expose them to HIV as some migrant labourers take city wives

and may return home infected with sexually transmitted illnesses and HIV. Polygamy can render women vulnerable as they lack independent access to land and other assets.

**c) Building Peaceful and inclusive societies**

The Universal Declaration of Human Rights recognises inherent dignity as well as equal and inalienable rights of all as the foundation of freedom, justice and peace. A peaceful and inclusive society does not embrace patriarchy. It recognises men and women as equals. It promotes equal opportunities and does not oppress women. International human rights law recognises prostitution as a violation of human dignity. States are under an obligation to respect and protect the dignity of all people. Member states should ensure that they work towards the elimination of prostitution and the protection of its victims. Member States should be prohibited from implementing policies that encourage prostitution and undermine human dignity. Policies that promote and justify prostitution as “sex work” are incompatible with the UN human rights legislation.

**d) Ending the trafficking of women**

Our experience has shown that the oppression of women and violence against women and girls are often a factor in the stories women tell in their entry into prostitution. According to UN statistics the majority of those who are trafficked are women and girls trafficked for prostitution. This shows the link between prostitution and trafficking and it follows that to combat the trafficking of women we need to reduce the demand for prostitution. The Nordic law has shown that reducing the demand for prostitution reduces trafficking.

**e) Eliminating violence against women**

Embrace Dignity advocates for *partial decriminalisation*, also referred to as the Equality or Nordic model law. The Nordic law recognises the harms of prostitution and is designed to reduce violence against women by focusing on demand and reducing the extent of prostitution. For those still in prostitution the harm will be reduced because the women will not be criminalised and subject to abuse by law enforcement authorities and they will be able to access the justice system from a position of legality.

Through this model:-

- The seller is decriminalised and offered assistance for exit, because they are invariably the subjects of exploitation
- The buyers are criminalised, because they have no right to purchase sex and prostitution is violence against women
- Third party profiteers are criminalised, because they are profiting from the exploitation of women.

We oppose *total criminalisation* as it maintains the victimisation of the vulnerable persons who enter prostitution through lack of choice. This criminalisation of their vulnerability is an abuse of their human right to dignity.

We oppose *total decriminalisation* as it effectively normalises and institutionalises the oppressive system of prostitution by recognising it as work. Total decriminalisation would facilitate an increased movement of unemployed people without choices into an organised and ‘legal’ form of commercial sexual exploitation. We do not understand prostitution or “sex work” as decent work. Under total decriminalization, the state effectively becomes the pimp.

**It is for these reasons that we, together with CAP International (Coalition for the Abolition of Prostitution) support the following policy priorities to achieve the targets and objects in the SDG's**

- **Priority 1:** Repeal all forms of criminalization of prostituted persons and victims of trafficking for the purpose of prostitution.
- **Priority 2:** Criminalise all forms of pimping, procuring and trafficking in human beings and thus reject any attempt to decriminalise “acceptable forms of pimping and procuring.
- **Priority 3:** Offer real alternatives and exit options for those being sold or selling sex, and guarantee access to fundamental social rights such as; the right to housing, decent jobs and the right to health
- **Priority 4:** Develop protection and access to justice and rights programmes for prostituted persons and victims of trafficking in human beings, including access to a protection residency permit for foreign victims, access to financial compensation for all victims, and access to effective protection to witness or victim.
- **Priority 5:** Criminalise the purchase of sex and thus extend the prohibition to impose sex acts, being by the physical, psychological or the financial constraint. Prohibiting the purchase of sex is also the most effective and proportionate measure to implement States obligation to eliminate trafficking in human beings and the exploitation of the prostitution of women.

**Question 3) The sex trade is gendered, how best can we protect women in the trade from harm, violence, stigma and discrimination**

The majority of buyers of sex are men whilst the majority of people that are considered to be the “merchandise” are women. Legislation affecting prostitution must protect people in prostitution from sexual exploitation and harm. The Nordic law criminalises the buyer to reduce the demand, and hence reduces the extent of prostitution. Decriminalisation of the seller can reduce the stigma and violence by facilitating the access to justice.

### Question 1)

The 2030 Agenda is based on the fundamental principles of human rights, their protection and promotion. Sex work/trade or prostitution cannot be considered in its line.

The protection of the dignity and worth of the human person is recognised as a fundamental principle by the 1948 UDHR. Its Article 4 states that *“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”* and Article 5 states that *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, adopted by the UN General Assembly (UNGA) in 1949 states that prostitution and trafficking in persons are *“incompatible with the dignity and worth of the human person”*, thereby setting the ground for the international community’s approach to prostitution and trafficking.

Article 6 of the CEDAW Convention engages State Parties to the Convention to combat all forms of trafficking in women and the exploitation of the prostitution of women.

Article 2 of the ILO Convention No 29 on forced or compulsory labour, defines forced labour as meaning *“all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”*.

The Beijing Platform for Action demands measures to address forced prostitution and trafficking in women as severe forms of violence.

These commitments and many others are directly linked to the core UN values of human dignity and leaving nobody behind. Prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality.

It is therefore crucial that all UN bodies respect and embody this language by taking action to eradicate the systems of prostitution and trafficking for sexual exploitation.

While forced prostitution, as well as human trade that is often behind it, are clearly perceived as human rights violations in line with human rights instruments, including CEDAW article 6, the so-called sex work/trade is sometimes presented as a personal option, an acceptable type of work that should enjoy a status similar to other types of activity regarding rights, social protection, taxes, etc.

We strongly believe there is no such thing as a totally free choice in the selling of one's own body for money and for someone else's enjoyment/exploitation. Prostitution is a form of violence against women- 68 % of prostituted persons suffer from post-traumatic stress disorder - a percentage similar to that of torture victims. There is, certainly, always a direct or indirect motive for entering prostitution - poverty, misery, violence, despair, fear, coercion, even if only psychological... The vast majority of prostitutes come from vulnerable groups. Economic crises, conflicts and environmental disasters are forcing a growing number of women and minors, including refugee and migrant women, to enter prostitution.

Prostitution is a gendered phenomenon: the vast majority of prostituted persons are women and girls, and almost all buyers are men. Prostitution is both a cause and a consequence of gender inequality, which it aggravates further; prostitution is a violation of women's rights, a form of sexual slavery, perpetuating gender inequality for women.

Prostitution impacts the social perception of the hierarchical power relations between women and men and of their sexuality. It contributes to perpetuate gender stereotypes about women as merchandise available to satisfy male demand for sex and to be used by the "client".

The answer to such problems, if seen in the framework of the Agenda 2030, is certainly not the recognition of sex trade as an acceptable form of work like any other, as the conditions of personal freedom and dignity are not safeguarded and the power imbalance between the ones exploiting and the ones being exploited is not questioned, but accepted as normal.

## **Question 2)**

If the stated objectives are to be achieved, policies on sex work/trade/prostitution have to be seriously evaluated. Prostitution or sex trade will never empower women or make them totally free and autonomous persons.

Serious research, thinking and debate are essential to make clear how negative such realities are for women, even if those involved are not always fully aware of that. Women's NGOs, youth organizations, interested academics, political

parties, together with social organizations working in the field and knowing the “crude reality” of prostitution and sex work have to find positive answers to what is no more than a negative commodification of human persons, their bodies, their will and their dignity.

The aims targeted in the Agenda regarding freedom from violence or trafficking are totally incompatible with the existence of sex work/trade and prostitution, as these realities are intrinsically part of the system that allows it. The normalisation of prostitution has an impact on violence against women since men who buy sex have a degrading image of women and are more likely to commit acts of violence against them. The whole system of prostitution is utterly violent and disempowering.

The existence of several links between prostitution and trafficking is also recognized. Prostitution feeds trafficking for the sexual exploitation of vulnerable women and children and aggravates violence against them. Sex purchasers maintain the demand in this market, leading to its profitability and to the increase in organized crime. An increasing number of young women and minors are forced into prostitution.

Women’s health including their sexual and reproductive health and rights are certainly not respected when their own bodies are used as objects. According to WHO, sexual health *“requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence”*; the sexual and reproductive health and rights of all women must be respected, including their right to their bodies and sexuality and to be free of coercion, discrimination and violence.

Prostitution also impacts on the health of prostituted persons, who are more likely to suffer from long lasting sexual, physical and mental health traumas, including STDs, drug and alcohol addiction, loss of self-respect and higher mortality rate, than the general population. It can also impact on the health of the sex purchasers.

Work is one of the main sources of human self-realisation, through which individuals make a supportive contribution to collective wellbeing. Prostitution doesn’t fit into this definition. It cannot be perceived as regular job in the sector of services.

Decent work involves opportunities for productive activities and delivers decent income, labour rights, quality jobs, safe and secure working environments and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. Sex trade and prostitution are long lasting forms of slavery. It has been proven that the normalization of prostitution hasn’t succeeded in guaranteeing the prerequisites of decent work.

Peaceful and inclusive societies are not built upon exploitation and humiliation exercised by some persons upon others in a totally unbalanced power relation.

### Question 3)

It must be a global, concerted response.

- Legal provisions together with the necessary policies, programmes, means and tools to reduce prostitution and to fight trafficking and sexual exploitation as breaches of women's fundamental rights – in particular with regard to minors – and gender equality: Adoption and strict application of legislation criminalizing those who promote and benefit from sex trade and prostitution, namely pimps and sex buyers, including those who purchase sex abroad.
- Gender-specific prevention strategies by promoting social awareness on the real meaning of such activities, including among men, in particular, among the purchasers and suppliers of sex. Prevention campaigns, namely on the internet, taking into account the vulnerable groups and socially excluded communities targeted by the human trafficking networks.
- Implementation of education on human rights in schools including on gender equality, together with education and awareness-raising of women, starting from school.
- Media involvement in order to address the dissemination of degrading images of women and above all, political commitment to respect, defend and promote human rights.

For those women already caught by such networks, special support policies and programmes should be implemented in close cooperation with the stakeholders in order to leave this practice, including safe houses to allow them the possibility of escaping from the trade and its supporters, as well as legal, psychological and social support, professional training to rebuild their lives and to reintegrate them in society.

These policies and programmes should be combined with supporting and involving all the relevant parties, such as NGOs, the police and other law enforcement agencies; social, medical, immigration and education services in decision-making processes and with promoting work in cooperation. Training should also be addressed to these stakeholders allowing them to understand and to meet the specific needs of various groups of women victims and to work for their empowerment.





UN Women  
 United Nations Headquarters  
 405 East 42nd Street  
 New York, NY 10017  
 By E-mail: [consultation@unwomen.org](mailto:consultation@unwomen.org)

5 October 2016

## Re: Written Submission

Dear Distinguished Members,

In response to your Contributions Call Seeking Views for UN Women's Approach to Sex Work, The Sex Trade & Prostitution, our responses to your questions are as follows:

### Question 1

We believe that the commercial sex industry is not compatible with human rights or gender equality. The commercial sex trade, which includes the exploitation of women in prostitution, results in human rights violations as clearly acknowledged in international law and policy. International law sees a link between prostitution and trafficking as evidenced below:

- The Preamble of the **1949 Convention** recognizes 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 and endanger the welfare of the individual, the family and the community.”
- Article 6 of **CEDAW** calls on states parties to suppress “all forms of traffic in women and exploitation of prostitution of women.”
- **General Recommendation 19** of CEDAW states that sex trafficking and “new forms of sexual exploitation, such as sex tourism...are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse” and “the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals... contributes to gender-based violence.” (paras. 14 and 12).
- **Human Rights Council resolutions** reflect the concerns that all forms of discrimination can lead to violence against women and girls, especially those who are victims of commercial sexual exploitation.
- The **Beijing Platform for Action (BfPA)**, the most comprehensive existing global roadmap for achieving gender equality, urges countries to address “root factors...that encourage trafficking in women and girls for prostitution and other forms of commercialized sex...in order to eliminate trafficking in women and girls.” (Strategic Objective D.3 131(b)).
- Article 9(5) of the **Palermo Protocol** calls on states parties to enact policies “to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”
- Other sources of international policy (General Assembly resolutions, CEDAW Committee Concluding Observations) highlight the need to address the various root factors for trafficking to prevent sexual exploitation of women.

**Europe**  
 1 Birdcage Walk, London, SW1H 9JJ, UK  
 p. +44(0)20-7304-6902 | f. +44(0)20-7973-1292  
[ukinfo@equalitynow.org](mailto:ukinfo@equalitynow.org)

**Americas**  
 125 Maiden Lane, 9<sup>th</sup> Floor, Suite B  
 New York, NY 10038, USA  
 p. +1 212-586-0906 | f. +1 212-586-1611  
[info@equalitynow.org](mailto:info@equalitynow.org)

**Africa**  
 1st Floor, Bishops Garden Towers, Bishops Road  
 Mailing : PO Box 2018 - 00202, Nairobi, Kenya  
 p. +254 20-2719-832 | f.: +254 20-2719-868  
[equalitynownairobi@equalitynow.org](mailto:equalitynownairobi@equalitynow.org)

- Finally, the targets of the 2030 Agenda call on states to “[e]liminate all forms of violence against all women and girls...including trafficking and sexual and other types of exploitation” and “[e]nd[ing] abuse, exploitation, trafficking and all forms of violence against and torture of children.”

## **Question 2**

The sex trade is incompatible with gender equality and the empowerment of women and girls because it is highly gendered (men predominantly buy women’s bodies), is based in exploitation and violates the rights to bodily integrity, equality, dignity, health, security and freedom from violence and torture. Our survivor partners tell stories of the daily degradation of mind and body evident in prostitution.<sup>i</sup> In particular, they are often isolated, intimidated, sold into debt bondage and subject to physical and sexual assault by their traffickers. Most live under constant mental and physical threat and suffer severe emotional trauma as a result, including post-traumatic stress disorder and disassociation. They are at greater risk of contracting sexually transmissible infections, including HIV/AIDS. Many become pregnant and are forced to undergo often unsafe abortions.

To tackle both the trafficking and violence against women targets, policies need to recognize the intrinsic link between prostitution and trafficking and that prostitution can often be the end destination of sex trafficking. To realize the SDG targets on exploitation, trafficking and VAW, it is imperative that policies: 1) tackle gender discriminatory laws that trap women into poverty and make them vulnerable to prostitution because women do not have access to other non-exploitative means; 2) tackle the demand that fuels the commercial sex industry by holding offenders to account; 3) facilitate the investment of resources for pre and post trade services and support to women.

The commercial sex industry operates on the principles of supply and demand. It is predominantly men that pay for commercial sex and fueling the industry while traffickers, facilitators and pimps profit from this demand, supplying unlimited access to a diverse market of women and girls. Without buyers of commercial sex, sex trafficking could not exist.

## **Question 3**

The sex trade harms rather than protects women and given that it is highly gendered, it is incompatible with gender equality. Policies must seek to end the sex trade rather than help it proliferate. Women in the trade need to be protected from harm, violence, stigma and discrimination but not in a way that facilitates the trade. Protection strategies need to be grounded in gender equality and include policies that: 1) make non-exploitative and sustainable options available to women; 2) decriminalize women in prostitution; 3) discourage the growth of the sex trade by penalizing demand that fuels commercial sexual exploitation. In particular, penal codes must criminalize the traffickers, the pimps, and other offenders and perpetrators of exploitation of women in the sex trade such as the buyers of commercial sex. International law supports such an approach:

- Article 9(5) of the **Palermo Protocol** requires states to enact policies “to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”
- The **Human Rights Council** has also noted the same,<sup>ii</sup> while **General Assembly resolutions** have noted (in preambular paragraphs) that the “demand for prostitution”<sup>iii</sup> or the “demand for fostering sexual exploitation”<sup>iv</sup> “is met by trafficking in persons.”<sup>v</sup>
- The **High Commissioner’s** 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking (p.9), in the **UN Global Plan of Action** to Combat Trafficking in Persons

(A/RES/64/293, OP. 18) all support discouraging the demand whereas the **CEDAW Committee** has called on states to discourage and even criminalize the demand for prostitution in their concluding observations in Swaziland,<sup>vi</sup> Lithuania,<sup>vii</sup> Finland,<sup>viii</sup> Korea, Denmark, the Bahamas, Cameroon, Croatia, and Poland.<sup>ix</sup>

- The **UN Special Rapporteurs on trafficking** in persons have focused on different approaches to targeting demand, in accordance with the aforementioned UN instruments.
  - In 2006, Sigma Huda recommended that “[s]tate parties should be encouraged to criminalize the use of prostituted persons as a way of fulfilling their obligation under article 9, paragraph 5 of the [Palermo] Protocol.”<sup>x</sup>
  - In 2014, Joy Ezeilo commended that “[s]tates should identify and analyse factors that generate demand for exploitative sexual services ... and take strong legislative, policy and other measures to address these issues. Measures to discourage demand should be based on existing experience and accurate information about patterns of trafficking in persons occurring in their jurisdiction...”<sup>xi</sup>
  - Maria Grazia Giammarinaro has noted (in 2015) that international law ‘requires that States act with due diligence to prevent trafficking and human rights violations with which it is associated,’ including to address demand for commercial sex, such that due diligence on the part of States should require action on these wider processes, all of which foster demand for, and vulnerability to, trafficking.”<sup>xii</sup>

Similarly, such an approach has gained traction at the national level. Countries like Sweden, Norway, and Iceland have effectively addressed the demand for commercial sex and street prostitution and sex trafficking have decreased.<sup>xiii</sup> In addition, Northern Ireland, Canada and France have adopted similar laws while the parliaments of the European Union and the Council of Europe both adopted non-binding resolutions along these lines. Countries that neglect to focus on the demand that fuels sex trafficking, or have legalized the commercial sex industry, have witnessed increased prostitution and greater numbers of trafficked women and girls to fulfill an influx of international sex tourists as well as increased demand locally.<sup>xiv</sup>

Thank you so much for your consideration.

Sincerely,



Yasmeen Hassan  
Global Executive Director  
Equality Now

## ENDNOTES

<sup>i</sup> See e.g., Apne Aap, Redlight Despatch, at <http://apneaap.org/voices/rld/latest-redlight-despatch> (last accessed 8 Feb. 2012)

<sup>ii</sup> See, A/HRC/RES/8/12 (OP 2(f)), 18/06/2008.

<sup>iii</sup> A/RES/67/145 (2012) OP 22; A/RES/65/190 (2010) OP 19.

<sup>iv</sup> See, A/GA/RES/69/149 (2014).

<sup>v</sup> A/RES/67/145 (2012); A/RES/65/190 (2010). See also *A/HRC/RES/26/8, -A/HRC/RES/23/5-(2013)*.

<sup>vi</sup> CEDAW Committee, Concluding Observations: Swaziland, para 24-25(e), U.N. Doc. CEDAW/C/SWZ/CO/1-2 (2014).

<sup>vii</sup> CEDAW Committee, Concluding Observations: Belgium, para 26(b), U.N. Doc. CEDAW/C/BEL/CO/7 (2014).

<sup>viii</sup> CEDAW Committee, Concluding Observations, Finland, para 21(d), U.N. Doc. CEDAW/C/FIN/CO/7 (2014).

<sup>ix</sup> See e.g., CEDAW Committee, Concluding Observations: Republic of Korea, para. 23(f), U.N. Doc. CEDAW/C/KOR/CO/7 (2011); Denmark, para. 35, U.N. Doc. CEDAW/C/DEN/CO/7 (2009). See e.g. CEDAW Committee, Concluding Observations: Bahamas, para 26(e), U.N. Doc. CEDAW/C/BHS/CO/1-5 (2012) and Republic of Korea, para 23(d), U.N. Doc. CEDAW/C/KOR/CO/7 (2011); Cameroon, para 21(g) CEDAW/C/CMR/CO/4-5 (2014); Poland, para 27 (g), CEDAW/C/POL/CO/7-8 (2014); Belgium, para 26 (b), CEDAW/C/BEL/CO/7 (2014); and Croatia, para. 21, CEDAW/C/HRV/CO/4-5 (2015).

<sup>x</sup> Commission on Human Rights, Integration of the human rights of women and a gender perspective, Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda, U.N. Doc. E/CN.4/2006/62 (2006), page 16.

<sup>xi</sup> A/HRC/23/48 para 85a (2014).

<sup>xii</sup> A/70/260, para. 20 (2015).

<sup>xiii</sup> Swedish Ministry of Justice, English summary of the Evaluation of the ban on purchase of sexual services, 1999-2008, (2 July 2010) pp. 34-5, 37.

<sup>xiv</sup> See e.g., Nomi Levenkron, The Legalization of Prostitution: Myth and Reality, The Hotline for Migrant Workers, 2007, pp. 61-3, 68-9.

Saintelette Square 17

1000, Brussels

[info@migrantwomennetwork.org](mailto:info@migrantwomennetwork.org)

[www.migrantwomennetwork.org](http://www.migrantwomennetwork.org)



To: UN WOMEN

CC: UN High Commissioner of Human Rights

Date: 15/10/2016

**EUROPEAN NETWORK OF MIGRANT WOMEN (ENoMW)** is the only pan-European migrant-women-led platform that directly represents the opinion of migrant and refugee women at the EU and international level. The network membership includes the women of Arab, African, South-/South-East Asian, Latin American and Eastern European descent and is made of over 30 migrant women grass-root and advocacy NGOs.

**ENoMW VISION:** Equal rights and fair treatment for migrant and refugee women of different ethnic backgrounds living in Europe

**ENoMW MISSION:** To prevent and combat discrimination and to promote the rights and interests of migrant and refugee women in Europe through coordinated advocacy, exchange of information, capacity building, projects and events, and to represent the interests of migrant women at international, European and national level.

ENoMW position paper on the discrimination against migrant & refugee women in Europe: <http://bit.ly/2cSfUvT>

#### Note on the Consultation Terminology:

ENoMW is strongly concerned by the UN WOMEN stepping out of its core mandate and using the term “sex work” in its official consultation. As a platform that represents the women disproportionately affected by prostitution, ENoMW rejects the term “sex work” as inconsiderate towards the reality of the vast majority of women in prostitution and derogatory to our members.

ENoMW emphasises that “sex work” is not an official UN terminology and contravenes such legally binding instruments as CEDAW, the UN 1949 Convention on prostitution and trafficking and the Palermo Protocol.

ENoMW notes that UN WOMEN using the term “sex work” interchangeably with “prostitution” undermines the UN internal protocols that explicitly “forbid sexual relationships with prostitutes”<sup>1</sup> as well as “exchange of money, employment, goods or services for sex”<sup>2</sup> and “condoning permissive environment for it”<sup>3</sup>. Furthermore it brings in question the intention and the coherence of the overall UN Policies on sexual exploitation - the human rights violation in which the UN missions have been numerous implicated<sup>4</sup>, described by the UN Security Council members as “the cancer in the United Nations system”<sup>5</sup>

ENoMW is deeply worried that in its consultation UN WOMEN does not pose any questions on the prevention and eradication of the sex trade, as mandated by the international instruments on gender equality and VAWG. Instead the consultation appears to be influenced by the framework on prostitution adopted by UNAIDS, the UN agency that is documented to have cooperated with now a convicted trafficker in formulating its position on the sex trade<sup>6</sup>.

<sup>1</sup> UN Charter and derived from it UN Peacekeeping Code of Conduct - <http://www.un.org/en/peacekeeping/issues/cdu>

<sup>2</sup> UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse

<sup>3</sup> Letter from Secretary General Addressed to the President of the Security Council, February 2005, <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDoc1.pdf>

<sup>4</sup> The cases of UN peacekeeping personnel sexual exploitation and abuse in operations ranging from those in Bosnia and Herzegovina and Kosovo in the early 1990s to Cambodia and Timor-Leste in the early and late 1990s to West Africa in 2002 and the Democratic Republic of the Congo in 2004, are listed in the UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse

<sup>5</sup> <http://www.un.org/press/en/2016/sc12277.doc.htm>

<sup>6</sup> <http://www.faber.co.uk/blog/a-human-rights-scandal-by-kat-banyard/>

## ENOMW Response to the ‘Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution’

### 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

A prostitution transaction is a sexual act in which the person seeking sexual gratification pays for a temporarily access to the body of another person and the suspension of her sexual autonomy and rights<sup>7</sup>.

A typical example of such a transaction is the one advertised by the chain brothel Pascha<sup>8</sup> in Cologne, that offers daily “100 girls” to “800 customers”, all of whom are male, translating into an average of 1920 sexual acts with 1920 random men endured by one woman in a period of one year.

**Whether a woman is forced, coerced or decides to consent to such a transaction out of economic necessity, prostitution – in all its forms – lies on the continuum of *unwanted sexual experience* and as such constitutes a form of Violence against Women.**

The neo-liberal attempts to characterise prostitution as “work”, a “private transaction” and/or an issue that concerns exclusively persons selling sex, disregard **the core of the universal framework on violence against women**<sup>9</sup>, according to which, the root causes of prostitution - men’s sexual entitlement, traditional gender norms and women’s economic discrimination – are the root causes behind sexual abuse and rape<sup>10</sup>.

The attempts to dismiss this universal framework are also deeply unethical vis-à-vis the testimonies of the women subjected to prostitution:

As Nadia Mourad, the sex trade survivor and UN Goodwill Ambassador emphasises, a case of a single woman in the sex-trade is never an individual story. It is “about a collective suffering” of the most vulnerable, against which, “the world must feel a moral responsibility to act”.<sup>11</sup>

In line with this position ENoMW firmly believes that,

- a. As an act perpetrated against an individual, prostitution is an **assault on individual human dignity, integrity, autonomous sexuality and the universal right to life free from violence.**
- b. As a practice perpetrated by one social group against another, prostitution is a **violation of women’s collective rights** to the life free from male violence, sexual objectification and sex-based stereotypisation.
- c. As a system that extracts commercial profit from discrimination of a group, prostitution belongs to the **continuum of colonial, racist, class and legal status exploitation**

ENoMW admits that in a global climate that is so unfavorable to women, some will consent to have their rights and dignity affected by prostitution, if such a violation promises in exchange much needed albeit limited material benefits.

ENOMW emphasises, that this alone can never justify the collateral damage that the system of prostitution inflicts on individual women in the sex trade and ALL women, across economic, psycho-social and sexual domains.

<sup>7</sup> World Health Organisation defines Sexual Rights, among others, as “*the right the highest attainable standard of health in relation to sexuality...respect for bodily integrity; choice of partner...and pursue a satisfying, safe and pleasurable sexual life.*”

<sup>8</sup> <http://www.pascha.de/en/>

<sup>9</sup> CEDAW, the UN 1949 Convention on prostitution and trafficking and the Palermo Protocol.

<sup>10</sup> See UN Multi-country study on men’s motivations behind VAWG, which determines that 70%-80% of rapes “*motivated by sexual entitlement “as well as “boredom/desire for entertainment”*” (<http://www.svri.org/sites/default/files/attachments/2016-07-19/RBAP-Gender-2013-P4P-VAW-Report-Summary.pdf>)

<sup>11</sup> <http://www.nadiamurad.org/>

ENOMW draws the attention of the UN WOMEN, that despite the evidence<sup>12</sup> that in many societies women still “choose” to be subjected to Female Genital Mutilation for economic and/or cultural reasons, FGM has been internationally recognised as a form of VAW.

**Similarly, the practice of prostitution should be, universally and without reservations, recognised as harmful to women, men and communities as well as incompatible with the human dignity and gender equality enshrined in the universal human rights instruments.**

ENoMW reminds the UN WOMEN that this principle should *not* only apply to the women with secure economic, social and legal status. According to the 2030 Agenda, *leaving nobody behind* means “the focus on the women at the base of the economic pyramid, regardless of their characteristics and circumstances”<sup>13</sup>.

For us – migrant and refugee women - “the base of the pyramid” is not an abstract concept. It is a reality we live though. In the midst of clustered disadvantages – under restrictive EU labour laws, pushed into the precarious economy, with little recourse to justice - migrant women are over-represented in Europe’s sex trade.

This, however, does not speak of migrant women’s “choices”. If anything, it evidences the lack of economic opportunities, ethnic and legal status discrimination and men’s unquestioned demand for sex, of which migrant & refugee women become a day-to-day causality.

With over 60 million persons, including 11 million children, displaced globally<sup>14</sup>, individuals and criminal gangs repeatedly target women and girls fleeing danger, with the purpose of recruiting them into prostitution<sup>15 16</sup>. In Europe alone there are at least 5.000 missing refugee girls<sup>17</sup>, while the ratio between girls and boys among the accounted unaccompanied minors is 1 to 10<sup>18</sup>, indicating that **migrant/refugee girls remain the group most vulnerable to abduction, trafficking and exploitation, including prostitution and on-line pornographic abuse.**

While traffickers, pimps and sex-buyers embrace the idea of “sex-work”, we - the women and girls migrants, refugees and those affected by conflict and displacement - refute prostitution as degrading and contrary to our fundamental rights, true aspirations and real potentials.

ENoMW strongly urges the UN WOMEN to stand together with us, recognise our full humanity and safeguard our universal rights leaving no woman and girl behind.

<sup>12</sup> “In countries where a high percentage of women and girls have had FGM, an equally high proportion of the female population think the practice should continue... with support for FGM generally stronger among women and girls from poorer backgrounds.” (“Addressing FGM in Development Projects and Programmes” <http://www.medinstgenderstudies.org/wp-content/uploads/AddressingFGMmanual.pdf>)

<sup>13</sup> Leave No One Behind: A Call to Action for Gender Equality and Women’s Economic Empowerment, Report of the UN SG High Level Panel on Women’s Economic Empowerment, 2016

<sup>14</sup> Uprooted: The Growing Crisis of Refugee and Migrant Children, UNICEF, September 2016

<sup>15</sup> According to IOM only in Italy up to 80% of Nigerian women arriving by boat will be trafficked into prostitution in 2016 (<https://www.theguardian.com/global-development/2016/aug/08/trafficking-of-nigerian-women-into-prostitution-in-europe-at-crisis-level>).

<sup>16</sup> EU-Turkey Deal is failing refugee women and girls, Women’s Refugee Commission, August 2016; #Women’s Voices, joint report by EWL, WRC and ENOMW

<sup>17</sup> According to EUROPOL, at least 10.000 minor refugees and migrants are missing after they crossed European borders, (<http://missingchildreneurope.eu>), whereas UNICEF 2016 report above indicates that boys and girls migrate in equal numbers

<sup>18</sup> Europe’s Man Problem, <http://www.politico.eu/article/europes-man-problem/>

2) The Sustainable Development Goals (SDGs) set out to **achieve gender equality and to empower all women and girls**. The SDGs also include several targets pertinent to women's empowerment, such as a) reproductive rights b) women's ownership of land and assets; c) building peaceful and inclusive societies; d) ending the trafficking of women e) eliminating violence against women. How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The United Nations define "sustainable development" as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"<sup>19</sup>. Contrary to this principle, prostitution compromises the ability of every future generation of women to meet their safety, dignity and equality needs. In particular,

- a) Prostitution prevents women from attaining **full sexual-reproductive rights** by subjecting ALL women/girls to the **gendered expectations of performative female sexuality**. Furthermore, it is well evidenced that regardless which legal forms the sex trade takes, women whose reproductive functions are commercialised through prostitution suffer extreme and multiple harmful health consequences<sup>20</sup>
- b) Prostitution prevents women from attaining **full economic rights**, as it misguides society into false beliefs of prosperity through prostitution, whereas in most cases women in the sex trade do not gain, but lose already limited opportunities for economic independence, with particularly devastating effects on the lives of the most marginalised women, who become condemned to life-long poverty, abuse and low self-esteem<sup>21</sup>.
- c) No **peaceful society** can be achieved as long as VAWG intrinsic to prostitution, is tolerated. Just like it is impossible to achieve a peaceful community without putting an end to war, it is impossible to build an inclusive society when half of its population are ostracised through sexual objectification promoted by prostitution.
- d) Sex-trade is the environment where **trafficking in women for sexual exploitation** takes place.<sup>22</sup> This is recognised by the Beijing Platform for Action, the Palermo Protocol and CEDAW, whereas the research on trafficking in countries with decriminalised prostitution repeatedly confirms this evidence.<sup>23</sup>
- e) The failure to recognise prostitution as a violation of women's rights is incompatible with any framework that addresses VAWG. The rates of women murdered in prostitution in New Zealand, Germany and the Netherland that fully decriminalise sex trade,<sup>24</sup> is an evidence that **prostitution, in itself, is a system that promotes male violence against women**.

Additionally, the attempts to normalise prostitution as "work" will drive funds away from prevention/support/exit programmes for women in prostitution and hinder the overall uptake of SDG5<sup>25</sup> by investors, as the root-causes of gender inequality underlying the sex-trade will no longer be viewed as a problem that needs to be solved.

<sup>19</sup> United Nations Brundtland Report, <http://www.un-documents.net/our-common-future.pdf>

<sup>20</sup> Review of literature on sex work and social exclusion', UCL Institute for Health Equity, 2014 ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/303927/A\\_Review\\_of\\_the\\_Literature\\_on\\_sex\\_workers\\_and\\_social\\_exclusion.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303927/A_Review_of_the_Literature_on_sex_workers_and_social_exclusion.pdf))

<sup>21</sup> India: My life in the 'red lights' of Sonagachi, UN Office on Drugs and Crimes, <https://www.unodc.org/southasia/en/frontpage/2010/March/red-lights-of-sonagachi.html>

<sup>22</sup> The attempts to disconnect "sex work" from THB are particularly dangerous for the women in the regions with large sex markets and high rates of poverty. In countries like India it is "difficult to ascertain whether a sex worker is presently a victim of trafficking, was a victim of trafficking and choose to remain engaged in sex work" ("India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity"); "the economic boom has increased the demand for sexual services...leading to a resultant increase in the supply of the trafficked victims", (Human Trafficking in India: Dynamics, Current Efforts and Intervention Opportunities for the Asia Foundation", 2010)

<sup>23</sup> According to the 2016 USA State Report on THB, In Germany, "Most sex trafficking victims are exploited in bars, brothels, and apartments"<sup>23</sup> while in the Netherlands, "vulnerable Dutch girls are enticed into prostitution by male traffickers ('lover-boys')".

<sup>24</sup> See rates of prostitutes' murders in Germany, The Netherlands and New Zealand: <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:start>

<sup>25</sup> Sustainable Development Goal N5 – Gender Equality



### 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

ENoMW reminds UN WOMEN that, within the UN governing principles, it is an obligation of all UN agencies to abstain from minimising harms inherent to sex trade transactions.

ENoMW emphasises that similarly to other “traditional” systems of violence, such as racist segregation and discrimination against sexual minorities, the system of prostitution is not inevitable and can be addressed through comprehensive policy-provisions, targeted investment and change in social norms. Any policy that fails to take this approach and, instead, seeks to make the sex trade *more bearable* for women<sup>26</sup>, betrays every prostituted woman’s right to a dignified life and places at risk the rights of ALL women and girls.

**ENoMW, therefore, calls on UN WOMEN to adopt a policy that recognises prostitution as a form of systemic, structural and intimate male violence, within which no woman can be safe regardless what legal and material forms it takes.**

ENoMW urges UN WOMEN in its policy to remain within its core mandate and commit to complete eradication of prostitution through meeting the following objectives:

1. Promote a coherent legal framework that recognises **Sexual Autonomy, Dignity and Integrity as inalienable right of ALL women**, in ALL circumstances and without bias to women’s migratory, economic or social status
2. **Promote Decriminalisation of All Prostituted Persons**, without bias to their migratory, economic or social status, accompanied by a provision of viable exit- and rehabilitation-programmes
3. **Promote Economic Empowerment of Women** with the interest of most marginalised women at heart, including investing in prostitution prevention schemes
4. **Promote Flexible Migration and Labour Policies** that facilitate
  - a. *legal & safe ways for women to migrate*
  - b. *women’s access to dignified employment*
  - c. *acquiring and exercising economic skills & qualifications*
  - d. *disconnecting women’s legal status from their rights to employment, justice, health and care*
5. **Recognise Sex Buyers as Perpetrators of Violence** and promote measures discouraging male demand for paid sex, including *punitive actions*<sup>27</sup> and *awareness-raising among men*
6. **Promote Comprehensive Sexual Relationships Education**, with a strong emphasis on:
  - a. *Empowering authentic non-performative sexuality & sexual autonomy of ALL women*
  - b. *De-centralising male sexuality and discouraging male sexual entitlement*
  - c. *Deconstructing patriarchal myths that promote prostitution as work and economic activity for women*
  - d. *Educating on the harms of sex-trade to both women and men, within and outside prostitution, at personal, familial and communal levels, in psychological, sexual, physical domains.*
7. Direct funds to objective, misogyny-free **Research & Data Collection on Prostitution**, evidencing
  - a. *Psycho-somatic, sexuality and economic losses inflicted on women in prostitution*
  - b. *Central role of sex buyers*, their attitudes and behavior towards women
  - c. *Central role of third party profiteers* of prostitution, including individuals, groups and states.
  - d. *Economic and social losses inflicted on communities through prostitution*

<sup>26</sup> see the change in German law from 02.09.16 that introduces compulsory use of condoms and self-reporting by prostitutes ([http://www.bundesrat.de/SharedDocs/drucksachen/2016/0401-0500/457-16.pdf?\\_\\_blob=publicationFile&v=1](http://www.bundesrat.de/SharedDocs/drucksachen/2016/0401-0500/457-16.pdf?__blob=publicationFile&v=1)), widely criticised by the HR organisation as ineffective for protecting women

<sup>27</sup> See the evaluation of the effects of Sex Purchase Ban in Sweden in relation to rates of murder, trafficking and social norms: <http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

## Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution

Our organisations envision a society in which women's contribution to all aspects of life is recognised, rewarded and celebrated - in leadership, in care and in production; all women have self-confidence, freedom of choice, and freedom from violence and exploitation; and no woman or girl is left behind.

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

While we welcome the will of UN Women to address the issue of prostitution and take a stand on the system of prostitution, we assume that UN Women's position will be mainly based on international agreed commitments, values and language, which include, but are not limited to, the 2030 Agenda.

The United Nations (UN) community expressed its views on prostitution in 1949, in the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The Convention states that prostitution and traffic in persons are *"incompatible with the dignity and worth of the human person"*. Adopted by the UN General Assembly (UNGA) in the same years as the International Bill of Human Rights, the 1949 Convention sets the ground for the international community's approach to prostitution and trafficking, the same way that the Universal Declaration of Human Rights (UDHR) is used – still today – as the milestone instrument to protect fundamental human rights such as the right to freedom of opinion or the fight against torture.

In all other UN binding instruments – including CEDAW and the Beijing Platform for Action, which are fundamental women's human rights instruments –, the language is based on the 1949 Convention, and refers to *"prostitution"* and *"exploitation of the prostitution of others"*. It is therefore crucial that all UN bodies respect and embody this language, which is directly linked to the core UN values of human dignity and leaving nobody behind.

Indeed, the protection of the dignity and worth of the human person is not only recognised as a fundamental principle by the UDHR but is also quoted as one of the *"ideals and common goals of all People whose Governments have gathered to create the United Nations"* in the Preamble of the Charter of the United Nations (1945).

In this context, all UN bodies and member states have an obligation, in order to promote and respect human dignity, to take action to eradicate the systems of prostitution. Doing so, the international community would ensure that trafficking for sexual exploitation is ended, since both phenomena are intrinsically linked, as stated by the 1949 Convention and recalled in the UN Palermo Protocol. Any policy which would normalise prostitution would go against human rights, and would leave behind all the victims of sex trafficking and prostitution.

We therefore hope that UN Women, in its positioning on prostitution, will build on the UNGA work and act as a guardian of the international human rights values and provisions. As the UN entity for

women's rights, it is crucial that UN Women plays such a critical role, towards member states and other UN agencies.

We believe it is important to mention here that the UN has developed an internal perspective on prostitution, which needs to be included in UN Women's analysis. In his Special Bulletin on *"Special measures for protection from sexual exploitation and sexual abuse"*, the UN Secretary General defines sexual abuse as any *"actual or threatened physical intrusion of a sexual nature under unequal or coercive conditions"*. The UNSG Special Bulletin specifically targets and prohibits the purchase of a sexual intercourse by UN personnel: *"Exchange of money, employment, goods or services for sex is prohibited"*.

Language plays a key role and conveys values and vision for the world we want to live in. The women's movement expects all human rights to be implemented for all women and girls, and UN Women to address the system of prostitution with a vision of its role towards real equality between women and men.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights**
- b) women's ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

In February 2014, Members of the European Parliament adopted a resolution quoting the 1949 Convention and stating that *"prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality, and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union, including the goal and the principle of gender equality"*. Besides promoting human dignity, policies should obviously also aim to realise all women's human rights, including equality between women and men.

The reality of prostitution, as shared by women in prostitution and survivors, to frontline and women's organisations, tells us that prostitution is a system of violence against women: it builds on the continuum of male violence and perpetuates the tolerance for such violence. A vast majority of women in prostitution have suffered from sexual abuse before entering the system, face violence including murder, while in prostitution, and have to live with the mental, physical and sexual consequences of prostitution – a sex act with no mutual desire. As survivor Rachel Moran says: *"what is bought and sold in prostitution is not sex. It is sexual abuse. Prostitution is the commercialisation of sexual abuse"*.

The reality of the system of prostitution is also a reality of exploitation of vulnerabilities: women and girls, mainly from minorities or Indigenous communities or low castes or poorer countries. Policies which trivialize prostitution as a choice, or which criminalise women in prostitution, always lead to leaving behind the most vulnerable and fostering gender inequality. Countries which have legalised pimping have seen an increase of sex trafficking, but no better standards for equality between women and men, women's security or social inclusion.

Empowering women and girls – an objective of the 2030 Agenda – seeks to free women and girls from the systems which perpetuate inequalities, the same way the abolitionist movement freed our societies from slavery. Youth organisations are concerned by the widespread rape culture, fostered by the commodification of women's bodies in all spheres of society. Such culture is sustained by the systems of prostitution, which normalise the idea of men's entitlement to women's bodies. We cannot realise sexual rights, women's participation, peace and security, if the international community turns a blind eye on the intrinsic links between prostitution and gender inequality.

### **Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The sex trade must be understood as a system where many actors are involved, and which is intrinsically linked to the power dynamics of our societies. In this system, an overwhelming majority of women are bought and sold, by an overwhelming majority of men who are either sex buyers or pimps and traffickers. We face indeed a gendered phenomenon, which has to be understood in the framework of the gendered societies we live in, where power and decision-making are male dominated – including in the UN system.

Society is part of the system as it plays a role in supporting the sex trade or disrupting it. We strongly believe that public policies should not aim at mitigating the harm of a phenomenon, but at tackling its root causes and ending it. As said above, the system of prostitution, in all its forms (street prostitution, strip clubs, porn industry, escorting, in brothels, etc.), perpetuates violence against women and girls, and contributes to inequalities and discrimination for all women and girls, especially among the most vulnerable.

Harm, violence, stigma and discrimination are inherent to the system of prostitution, and cannot be reduced without ending the system itself. While harm reduction strategies are needed, they have to be part of a broader policy approach which targets prostitution as a demand-oriented market. Some countries have already implemented policies aiming to protect women and girls in and from prostitution: in Sweden, Norway, Iceland, Canada, Northern Ireland, and France, women in prostitution are not criminalized and are provided with social support and comprehensive exit programmes. Such policies address all actors of the system: they also provide quality education in formal and non-formal settings, they strongly condemn pimping and procuring (as requested by the 1949 Convention) as well as all forms of trafficking; and they criminalise the purchase of sex as a matter of social justice and a strategic way to disrupt the market.

No women would be harmed, abused, violated, stigmatised and discriminated in the sex trade if men did not pay for sex acts. If UN Women wants to be the 'global champion for gender equality', it has to

provide a visionary position to empower all women and girls and end all forms of domination including the system of prostitution.

**Signatories:**

1,6 million club for women's health	Sweden
8th of March Initiative	Denmark
Abolish Prostitution Now	Germany
Abolition2014	Germany
Action Against Violence and Exploitation, Inc. (ACTIVE)	International
AFCJ - Association Française des Femmes des Carrières Juridiques	France
African Women's Association (Afrikanische Frauenorganisation)	Austria
Alliance for Parity Democracy (ADP)   Aliança para a Democracia Paritária	Portugal
Amalipe Center for Interethnic Dialogue and Tolerance	Bulgaria
Amicale du Nid	France
Anti Porn Men Project	UK
Aperio	Czech Rep
Apne Aap	India
Aretusa	International
Association "Kauno moterų linija" (Kaunas Women' Help Line"	Lithuania
Association for equal opportunities 'Ezerka' – Struga	Macedonia
Association for improving the status of women in the contemporary social processes in Macedonia, "Women's action"	Macedonia
Association for nonviolent communication	Slovenia
Association for the Advancement of Portuguese Gypsy Women (AMUCIP)   Associação para o Desenvolvimento das Mulheres Ciganas Portuguesas	Portugal
Association for Women in Cape Verdean Diaspora in Portugal (AMCDP)   Associação de Mulheres Caboverdeanas na Diáspora em Portugal	Portugal
Association Mén Non - Women of Sao Tome & Prince in Portugal   Associação Mén Non - Associação de Mulheres de São Tomé e Príncipe em Portugal	Portugal
Association of Women Against Violence (AMCV)   Associação de Mulheres Contra a Violência	Portugal
Association of Women 21st Century   Associação de Mulheres Séc. XXI	Portugal
Association project to raise   Associação projeto criar	Portugal
Association Women without Borders   Associação Mulheres Sem Fronteiras	Portugal
Associazione IROKO Onlus	Italy
Autonomous Women's Centre	Serbia
Bagong Kamalayan Survivors Group	Philippines
Be Free cooperativa	Italy
BGRF - Bulgarian Gender Research Foundation	Bulgaria
Birth Centre "U čápa"	Czech Republic
BPW Sweden (Business and Professional Women Sweden)	Sweden
Buklod ng Kababaihan (Prostitution Survivors)	Philippines
Bulgarian Women's Lobby	Bulgaria
Bündnis Stop Sexkauf	Germany
Bürgerinitiative gegen Bordell Marburg	Germany
Care for Europe	International
Caritas Lithuania	Lithuania
CATW	International
Cecym	Argentina
CEE Network for Gender Issues	Slovenia
CELEM - Coordinadora Española para el lobby europeo de mujeres	Spain
Center for Women War Victims ROSA	Croatia
Center Women's Association	Sweden
Centre for Women's Studies	Croatia
CFFB - Conseil des Femmes Francophones de Belgique	Belgium
Choisir la cause des femmes	France

CLEF - Coordination française pour le LEF	France
CLES - Concertation pour la Lutte contre l'exploitation sexuelle	Québec
CNDIFF	France
CNFL - Conseil National des Femmes du Luxembourg	Luxembourg
Coalition Against Trafficking in Women - Asia Pacific	International
Collectif de Pratiques et de Réflexions Féministes « Ruptures »	France
Collectif Droits des Femmes	France
Collectif Midi-Pyrénées pour les droits des femmes	France
Comisión para la investigación de los malos tratos a mujeres	Spain
Comité Permanent de Liaison des associations abolitionnistes	France
Community safety and Mediation Center	Romania
Congregation of Our Lady of Charity of the Good Shepherd	International
Coolabora   CooLabora	Portugal
Cooperative SEIES   Cooperativa SEIES	Portugal
Coordination luxembourgeoise du LEF	Luxembourg
Coordination of Greek Women's NGOs for the EWL	Greece
CRIFIP - Centre de recherches internationales et de formation sur l'inceste et la pédocriminalité	France
Cyprus Women's Lobby	Cyprus
Czech Doula Association	Czech Republic
Danish Women's Society	Denmark
Deep Green Resistance	UK
Demetra	Bulgaria
Development through Active women Networking foundation (DAWN Foundation)	Philippines
Doras Luimni	Ireland
Dovetail Initiative	UK
Eaves	UK
Eisti Estonia	Estonia
Ekaterina Karavelova Association	Bulgaria
EMMA	Germany
ENoMW - European Network of Migrant Women	International
EOS - Association of Studies, Cooperation and Development   EOS - Associação de Estudos, Cooperação e Desenvolvimento	Portugal
Equality Now	International
Equality Question – Ass. for Social Inovation   Questão de Igualdade - Associação para a Inovação Social	Portugal
Equipes d'Action contre le proxénétisme	France
Espace Simone de Beauvoir	France
Estonian Women's Associations Roundtable	Estonia
European feminist initiative IFE-EFI	International
European women lawyers association	International
EVAW - End Violence against Women Coalition	UK
EWL - European Women's Lobby	International
Exit Kollegiet, Reden International	Denmark
Exit Prostitution Finland	Finland
FEL - feminist and left	Belgium
Feminist Initiative	Sweden
Femmes au centre	France
Femmes en détresse	Luxembourg
Femmes en résistance	France
Femmes et Santé	Belgium
Femmes libres	France
Femmes pour le dire, Femmes pour agir	France
Femmes solidaires	France
Fier	Netherlands
Fokus	Norway
Fondation Scelles	France
Forum – Associazione Donne Giuriste	Italy
Forum 50%	Czech Rep

Forum Femmes Méditerranée	France
Foundation Caring for the Future   Fundação Cuidar o Futuro	Portugal
FPS - Femmes Prévoyantes Socialistes	Belgium
Fredrika Bremer Association	Sweden
Freethem	Austria
Freethem	Sweden
Gender Project for Bulgaria Foundation	Bulgaria
Girls of Odivelas - Association   Meninas de Odivelas – Associação	Portugal
Gredi Dona	Spain
Help in need	Czech Republic
Hibiscus Initiatives	UK
Hungarian Women's Lobby	Hungary
ICI - Immigrant Council of Ireland	Ireland
Imkaan	UK
Initiative Stopp Sexkauf	Austria
Institute for social creativity	Slovenia
isala	Belgium
Karo	Germany
KFUKS Sociale Arbejde / YWCIA Social Work	Denmark
Klaipeda social and psychological services center	Lithuania
KOFRA - Kommunikationszentrum für Frauen	Germany
Kvinnofronten (Women's Front)	Sweden
Landersfrauenrat Baden-Wuerttemberg (51 members)	Germany
L'Assemblée des Femmes Paris Ile-de-France	France
Le Grand Chapitre Général Féminin de France	France
Le monde à travers un regard	France
Le Monde selon les Femmes	Belgium
LEF Italia	Italy
L'Egalité c'est pas sorcier	France
Les effFRONTé-e-s	France
Les Moutons noirs	France
Libres Mariannes	France
Ligue du Droit International des Femmes	France
LISA Wiesbaden	Germany
Lithuanian Women's Lobby	Lithuania
London Abused Women's Centre	UK
Macedonian association of development and integration (MADI)	Macedonia
Macedonian Women's Lobby	Macedonia
Maisha e.V. African Women in Germany	Germany
Manchester Feminist Network	UK
Män för Jämställdhet Göteborg (Men for gender equality Goteborg)	Sweden
Marche Mondiale des Femmes 31	France
Marche Mondiale des Femmes France	France
Marta Center	Latvia
MCWO - Malta Confederation of Women's Organisations	Malta
MDM - Movimento Democrático de Mulheres	Portugal
Médicos del Mundo	Spain
Mémoire traumatique et victimologie	France
Men for Gender Equality	Sweden
Men's Development Network	Ireland
MIGS - Mediterranean Institute of Gender Studies	Cyprus
Missing Persons' Family Support Center	Lithuania
MONA Foundation for the Women of Hungary	Hungary
MONIKA - Multicultural Women's Association	Finland
Nordic Model Now	UK
Mouvement du Nid	France
Mouvement Jeunes Femmes	France
Mouvement National LE CRI	France

Naisasialiitto Unioni - Feminist Association Union	Finland
Nätverket mot Traficking	Sweden
NAWO - National Alliance of Women's Organisations	UK
NAWO Youth	UK
NCWI - National Women's Council of Ireland	Ireland
Network for European Women's Lobby	Serbia
NEWW	Poland
Nisa ul Haqq fi Bangsamoro	Philippines
NIWEP - Northern Ireland Women's European Platform	UK
Nordic Model Advocates	UK
Nordic Model Now	UK
NVR - Nederlandstalige Vrouwenraad	Belgium
NYTKIS - The Coalition of Finnish Women's Associations	Finland
O Ninho	Portugal
Object	UK
OLF - Osez le Féminisme !	France
Organization of Turkish women in Macedonia "Derya"	Macedonia
Organization of women "Radika"	Macedonia
Organization of women of municipality Sveti Nikole	Macedonia
Organization of women of Skopje	Macedonia
PETRA Network of NGOs for the Prevention and Elimination of Trafficking in Women	Croatia
PEXESO Family Centre	Czech Rep
Polish Women's Lobby	Poland
Portuguese Association for Women's Rights in Pregnancy and Child Birth (APDMGP)   Associação Portuguesa para os Direitos das Mulheres na Gravidez e no Parto	Portugal
Portuguese Association of Women Lawyers   Associação Portuguesa de Mulheres Juristas	Portugal
Portuguese Network of Young People for Gender Equality (REDE)   REDE Portuguesa de Jovens para a Igualdade entre Mulheres e Homens	Portugal
PpDM - Portuguese Platform for Women's   Plataforma Portuguesa para os Direitos das Mulheres	Portugal
Portuguese Women's Studies Association (APEM)   APEM - Portuguese Association of Women's Studies	Portugal
Projecto Tráfico de Mulheres - Romper Silêncios	Portugal
RadFem Collective	UK
Real Stars	Sweden
REFH - Réussir l'égalité femmes-hommes	France
Regards de Femmes	France
Renew Foundation	Philippines
Research Centre of Women's Affairs	Greece
Réseau Féministe « Ruptures »	France
Réseau méditerranéen contre la traite des femmes	International
Resistenza Femminista	Italy
Rights of Women	UK
ROKS	Sweden
Romanian Women's Lobby	Romania
Ruhama	Ireland
Samaritana Transformation Ministries	Philippines
Sanlaap	India
Scientists for a world without prostitution	Germany
Scottish Women's Aid	UK
Sisterhood is Global	International
Sisters e.V.	Germany
SKV - Sveriges Kvinnors Vänsterförbund	Sweden
Slovakian Women's Lobby	Slovakia
Slovenian Women's Lobby	Slovenia
Solidarité Femmes	France
Solwodi	Germany
SOS Help Line	Slovenia



Space Allies	Japan
SPACE International	International
Stigamot	Iceland
Swedish Ecumenical Women's Council	Sweden
Swedish Women's Lobby	Sweden
Talikala	Philippines
Talita	Sweden
The Nest Copenhagen	Denmark
The Nest International	Denmark
The Nest Odense	Denmark
The Nia project	UK
The Swangroups	Denmark
The Swedish Union of Soroptimist International	Sweden
Turn Off the Red Light	Ireland
UK Feminista	UK
UK Joint Committee on Women	UK
Une femme, un toit	France
UNIPA: Czech Association of Midwives	Czech Republic
Université des Femmes	Belgium
Unizon	Sweden
Verein feministischer Diskurs	Austria
Vox Femina	France
Wales assembly of women	UK
Women @ the well	UK
WomanHealth	Philippines
Women's Aid Federation Northern Ireland?	UK
Women's Council in Denmark	Denmark
Women's Equality Network Wales	UK
Women's Front (Kvinnefronten)	Norway
Women's Liberation Front	UK
Women's Line	Finland
Women's Network Croatia	Croatia
Women's NGOs cooperation network	Latvia
Women's Support Project	UK
World March of Women	Philippines
Youth Action	UK
Youth and Students Advancing Gender Equality	Philippines
YWCA Ireland	Ireland
zeroimpunity	International
ZéroMacho	France
Zonta Clubs de France	France



12.10.2016

*Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/sex industry/prostitution?*

We state that “sex work” is not a recognized term in international law. Instead, it is terminology invented by the sex trade and its proponents to mainstream commercial sexual exploitation and mask the harms perpetrated on women by buyers of sexual acts, pimps, brothel owners and traffickers. Policies regarding human rights need to be guided and applied by protecting the most vulnerable ones, not the ones who “choose sex work”.

The United Nations, its agencies, member states and civil society pledge to ensure that women and girls are valued as full and equal human beings. We exhort governments and society to offer girls the educational and economic opportunities that would allow them to reach their full potential as women; and that their inalienable rights to live a life of dignity and free of violence are upheld. By supporting the premise that prostitution, a product of the multi-billion dollar global sex trade, is a valid form of employment for women, corrupts and dishonors such commitments and international instruments. Prostitution needs to be recognized as violence against women, an exploitative system.

*Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment. These address:*

- a) reproductive rights*
- b) women’s ownership of land and assets*
- c) building peaceful and inclusive societies*
- d) ending the trafficking of women*
- e) eliminating violence against women.*

*How do you suggest that policies on sex work/sex industry/prostitution can promote such targets and objectives?*

The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Bill of Rights for Women and Girls, whose Article 6 mandates States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

The Beijing Platform for Action whose Strategic Objective D.3. calls to “Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking. Actions to be taken...[...]....Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and

girls for prostitution and other forms of commercialized sex,...[...] Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children...”

Policies made need to be in line with these international conventions and objectives. It needs to be recognized that human trafficking for sexual purposes, prostitution and commercial sexual maltreatment are all interlinked and can not be separated.

*Question 3) Sex work/sex industry/prostitution is gendered. How best can women involved be protected and protect themselves, and be protected, from harm, violence, stigma and discrimination?*

It's crucial to offer exit programs and safe houses to people in prostitution. There is a strong survivors movement that bring an important side to the public discourse regarding prostitution and human trafficking for sexual purposes. All voices need to be heard: not just the “sex work” –movement. Aiming to abolish prostitution we aim to protect all the women and children involved in commercial sexual abuse. The ultimate goal needs to be ending prostitution.

Anna Nuotio, Executive Director

Exit Prostitution Association, Finland



**Written submission to UN Women's  
Consultation on Prostitution, October 2016  
Contact: [info@feminisminlondon.co.uk](mailto:info@feminisminlondon.co.uk)**

**FiLia** is a charitable incorporated organisation (CIO) working towards gender equality and the advancement of women's human rights. In preparation for this submission, FiLia has consulted with grass roots activists and expert women's organisations. FiLia has also met with and listened to survivors of prostitution. FiLia supports the analysis of the Nordic Model Information Network.

Prostitution is found everywhere resting on a principle found nowhere in any human rights instrument and few legislative systems that entitles men to buy women's sexual consent<sup>1</sup> to satisfy their own sexual desires and not hers.

FiLia considers that women's empowerment, advancement and equality is undermined by the system of oppression and violence that is prostitution. FiLia opposes the description of the sex trade as 'work;' sex is no longer regarded as labour performed by a woman for a man in exchange for financial support outside the sphere of prostitution and such an attitude towards sex is regressive. There is no bright line between trafficking, of women, girls and boys, and prostitution. The market is fuelled by demand.

**1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

1.1 The principle of universality of human rights<sup>2</sup> is the cornerstone of international human rights law and has been reiterated in numerous international human rights conventions, declarations, and resolutions<sup>3</sup>.

1.2 Human rights include a prohibition on degrading treatment<sup>4</sup> and on slavery or servitude.<sup>5</sup> Specific principles relating to the rights of those involved in prostitution are set out in the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)*<sup>6</sup>. Until 1960, UN Conventions had no monitoring

<sup>1</sup> As UN Women states, prostitution is highly gendered. Men also may sell themselves as do trans-gendered persons, while the vast majority of those buying, pimping or otherwise profiting from the sale of women's bodies, are men. The buyer has the greater choice and holds the power in all transactions.

<sup>2</sup>This principle was first emphasized in the Universal Declaration on Human Rights in 1948

<sup>3</sup>The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

<sup>4</sup>Article 3 ECHR; Article 5 Universal Declaration on Human Rights

<sup>5</sup>Article 4 ECHR; Article 4 Universal Declaration on Human Rights

<sup>6</sup>This established a link between trafficking and prostitution and advocated punishment for those who "procure, entice or lead" others into prostitution but does not judge or penalize the women selling.

mechanisms, leading to poor implementation. But later conventions with regular monitoring have been more effective. **Article 6 of the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)*** stipulates that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” while the 2000 ‘Palermo’ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* makes ‘trafficking for prostitution’, not simply for “forced” prostitution,<sup>7</sup> a primary form of sexual exploitation.

- 1.3 Nothing within the Universal Declaration entitles any person or group to engage in any activity aimed at the destruction of another's rights or freedoms<sup>8</sup>
- 1.4 The majority of women in prostitution wish to exit<sup>9</sup>. About 50% of women in the sex trade entered before they were eighteen and up to 95% of women in street prostitution are problematic drug users<sup>10</sup>. Vulnerable migrants are disproportionately involved: figures from the UK show that 81% of women selling sex in flats, parlours and saunas are originally from outside the UK.<sup>11</sup> 80,000 women work in ‘on-street’ prostitution in the UK. As many as 85% women in prostitution in the UK report physical abuse in the family, with 45% reporting familial sexual abuse.<sup>12</sup>
- 1.5 Most organisations that work on the issue of all forms of men’s violence against women and girls recognise prostitution as a form of violence (VAWG), as do a wide range of other organisations and government departments including the UK’s Crown Prosecution Service<sup>13</sup>.
- 1.6 Disability rights activists have expressed disquiet at the presupposition that this is the only way that disabled people can enjoy sexual relationships.<sup>14</sup>
- 1.7 Women in poverty, women who have been in care and girls who are in care, women who have been in prison, and migrant women are disproportionately involved in prostitution. This indicates that the least advantaged are the most affected. FiLia calls on the UN to ensure that these voices are heard through survivors' groups and outreach projects.
- 1.8 One main push factor driving women and girls into prostitution is poverty. Nobody should ever be in a position whereby her choices are poverty or prostitution. Such a

<sup>7</sup> The Beijing Platform for Action and other documents add ‘forced’ to prostitution to differentiate freely chosen from coerced forms but NAWO considers most consent to prostitution to be chosen within severe constraints, and stresses the need to consider the harms to a whole class rather than individual choices for financial gain (see 2.1 below).

<sup>8</sup>Article 30 Universal Declaration on Human Rights

<sup>9</sup> <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

<sup>10</sup> 'Paying the Price,' A Consultation Paper on Prostitution, Home Office 2004

<sup>11</sup> The Poppy Project, Sex in the City: Mapping Commercial Sex Across London, 2004

<sup>12</sup> ibid

<sup>13</sup> [http://www.cps.gov.uk/legal/p\\_to\\_r/prostitution\\_and\\_exploitation\\_of\\_prostitution/](http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/)

<sup>14</sup> <http://www.feministcurrent.com/2014/04/23/nobodys-entitled-to-sex-including-disabled-people/>

choice is no choice at all and constitutes an assault on the dignity of the person in defiance of the primary goals of the Universal Declaration on Human Rights. FiLia calls for renewed efforts to end poverty and particularly women's poverty as part of a holistic approach to ending the harms caused by the sex trade.

**2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights**
- b) women's ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

- 2.1 Women's empowerment must be understood within the context of women achieving power as a class. It should not be viewed solely through the prism of individuals' financial gain. There are numerous options which may be lucrative for the individual but are disempowering for a group as a whole, and prostitution is one of these.
- 2.2 Women are disproportionately affected by sexual violence. One key factor behind this is male entitlement: the belief that financial expenditure entitles a person to sex. This attitude feeds the cultural belief that males are superior to females, that their sexual desires are uncontrollable, must be satisfied, and are more important than those of women. These beliefs undermine goals for the advancement and equality of women and girls. Such attitudes are known collectively as "rape culture." This is neither peaceful nor inclusive.
- 2.3 Similarly a societal attitude which prioritises male sexual desire above women's sexual desire is one which promotes rape culture. FiLia seeks a model of sex and relationships in which the parties involved in sexual intercourse give free and enthusiastic consent, through mutual desire, and not because one party's reluctance can be overcome by financial consideration.
- 2.4 Trafficking is defined by Article 3(a) of the Palermo Protocol as "*the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use*

*of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

- 2.5 It follows that where there is a “position of vulnerability” - *inter alia* poverty, insecurity of employment, debt, drug dependency – any third party who harbours or recruits a prostitute is involved in trafficking. Where under eighteens are involved there is no need for any such coercion whether by threat or by circumstance.
- 2.6 Accordingly FiLia is deeply opposed to legalisation or decriminalisation of “management” or pimping because there is no bright line between trafficking and pimping.
- 2.7 Sex buyers prioritise their desires ahead of the safety or security of those involved in prostitution. The demand for women's sexual consent, particularly that of young women, fuels abuses. Where there is a market for prostitution, trafficking and violence will flourish. Where there is no market, traffickers and pimps will operate elsewhere (see 2.11 below).
- 2.8 Efforts to separate “consensual” adult prostitution<sup>15</sup> from trafficked and child prostitutes were made within s.47 and s.53A of the Sexual Offences Act 2003, which create the offences of purchasing sex from a child and purchasing sex from a trafficked woman respectively. There have been no prosecutions annually since 2012 under s.53A and fewer than ten under s.47<sup>16</sup>. This is a clear indication that the current legislation does not work. There is no way to end trafficking for prostitution, to end child prostitution and to end violence against women in prostitution unless demand for prostitution itself is ended. A focus on men’s attitudes is essential to achieve this.
- 2.9 This is further borne out by a comparison of the Leeds “red light zone” where decriminalisation was trialled against Ipswich where the Nordic model was trialled. In Leeds there were two rapes and a murder<sup>17</sup>. In Ipswich the Nordic model trial was a success<sup>18</sup>.
- 2.10 Looking abroad, a similar overview can be seen:
- 2.10.1. In Germany there have been at least 55 murders of prostituted women by

<sup>15</sup> FiLia does not accept that consent which is purchased is consent freely given

<sup>16</sup> [https://www.whatdotheyknow.com/request/arrests\\_prosecutions\\_under\\_s47\\_s#incoming-813307](https://www.whatdotheyknow.com/request/arrests_prosecutions_under_s47_s#incoming-813307)

<sup>17</sup> <http://www.newstatesman.com/politics/feminism/2016/01/death-daria-pionko-shows-there-no-safe-way-manage-prostitution>

<sup>18</sup> [https://ueaeprints.uea.ac.uk/55750/1/EVISSTA\\_paper.pdf](https://ueaeprints.uea.ac.uk/55750/1/EVISSTA_paper.pdf)

clients and 29 attempted murders since legalisation in 2002.<sup>19</sup>

2.10.2. In Denmark there have been 9 such murders since decriminalisation in 1999<sup>20</sup>.

2.10.3. In the Netherlands, 28 murders since legalisation in 2000<sup>21</sup>.

2.10.4. In New Zealand, at least 8 since decriminalisation<sup>22</sup>.

2.10.5. In Sweden, zero and Norway, one<sup>23</sup> since the implementation of the Nordic Model.

2.11 Across countries, trafficking is shown to reduce where the Nordel Model is implemented and to increase where buying sex is legal. For example in Denmark there were four times the number of trafficking victims than in Sweden despite Denmark having only half the population of Sweden<sup>24</sup>.

2.12 Since the implementation of the Nordic Model in Norway, rapes of prostituted women halved<sup>25</sup>.

2.13 FiLia supports the Nordic Model as the only policy model proven to reduce harm.

### **3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

3.1 FiLia supports the Nordic Model which is a tripartite model designed to

3.1.1. Decriminalise the sale of sex;

3.1.2. Criminalise the purchase of sex;

3.1.3. Provide safe, adequate and meaningful exit programs

3.2 Decriminalisation of the sale of sex ensures that women are not the target of law enforcement measures. It also tilts the balance of power towards the seller of sex should she need to report abuse. This should be supported with efforts to keep prostituted women out of the criminal justice system for ancillary offences such as drugs, soliciting, or anti social behaviour. This will reduce stigma and discrimination.

3.3 The third element of the model is crucial but difficult to implement because it requires resources. The purpose is to provide women with viable alternatives to prostitution if they wish to pursue them. When successful, the whole society progresses towards

<sup>19</sup> <http://prostitutionresearch.com/wp-content/uploads/2015/10/Prostitution-in-Germany-Murders.pdf>

<sup>20</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:dnk>

<sup>21</sup> <http://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>

<sup>22</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:nz>

<sup>23</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:nor>

<sup>24</sup> <http://prostitutionresearch.com/wp-content/uploads/2014/03/LegalizedProstitution-Trafficking-Rel-2013WorldDevel.pdf>

<sup>25</sup> <http://www.feministcurrent.com/2013/01/22/new-research-shows-violence-decreases-under-nordic-model-why-the-radio-silence/>



ending the poverty and stigma which trap women in prostitution.

- 3.4 Criminalising the purchase places the legal and social responsibility for prostitution on those who have a real choice about their participation: the sex buyers. There is no human right to buy sexual consent. Doing so enhances the sense of absolute power and control leading to demands and acts that are harmful, violent and even fatal for those bought.



# Fondation Scelles

*Connaître, Comprendre, Combattre  
l'Exploitation Sexuelle*

## Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution DRAFT SUBMISSION

For 23 years, the Scelles Foundation has been working towards understanding, combating, and expanding their knowledge of sexual exploitation. It has a large resource centre which has more than 5000 reference documents and which dispenses its information through a wide abolitionist network both in France and abroad. Every two years, the Foundation publishes a global report regarding the current state of prostitution in each of the countries that they work with. It outlines key themes that are a part of the larger system of prostitution worldwide. Each year, the Scelles Foundation provides awards for young people who have committed themselves to fighting sexual exploitation. The Scelles Foundation is a Cap International member and co-founder.

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

**International law defines prostitution as a human rights violation**, a fact which the Scelles Foundation is in accordance with. Prostitution is incompatible with human dignity and human rights. Universal Human rights cannot be achieved unless this common understanding is respected and upheld.

- Prostitution is indeed incompatible with articles 3 and 5 of **the Universal Declaration of Human Rights (1948)** which states that *“Everyone has the right to life, liberty and security of person”* and *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”*.
- The United Nations **Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949)** of 2 December 1949 adopted by its General Assembly states says 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”*.
- The United Nations 1979 **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** asks states to *“take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”*.

It should be emphasized that these texts, which the majority of international law is founded on, never mention “sex work” because prostitution and its resultant exploitation cannot actually be considered to be work.

States are under a binding obligation to respect and to protect the dignity of human beings, which is the cornerstone of international human right law. When defining and implementing policies with regards to prostitution and its resultant exploitation, states must ensure that they work towards the elimination of prostitution and the protection of its victims.

Since the adoption of the General Assembly resolution 57/306 and the issuance of the Secretary General's bulletin on **special measures for protection from sexual exploitation and sexual abuse** (ST/SGB/2003/1023), measures have been put in place to address and prevent sexual exploitation and abuse by United Nations personnel.

In this bulletin, the Secretary General of the United Nations defined sexual abuse as any ***“actual or threatened physical intrusion of a sexual nature under unequal or coercive conditions”***. The UNSG specifically targeted and prohibited the purchasing of sexual intercourse by UN personnel during the Special Bulletin explaining that the ***“Exchange of money, employment, goods or services for sex is prohibited”***.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

People who are victims of sexual exploitation, trafficking or prostitution must have priority in the 17 targets of the 2030 UN agenda if we hope to 'leave nobody behind'.

**In order to achieve the targets and objectives identified in SDGs, we strongly recommend that states and international organizations promote the adoption of policies that:**

**Priority 1:** repeal all forms of criminalization of prostituted persons and victims of trafficking for the purpose of prostitution.

**Priority 2:** criminalize all forms of pimping, procuring and trafficking in human beings and, thus, reject any attempt to decriminalize “acceptable” forms of pimping and procuring.

**Priority 3:** offer real alternatives and exit options for those being sold or selling sex and guarantee access to fundamental social rights such as; the right to housing, the right to a decent job, and the right to healthcare.

**Priority 4:** develop programs that provide access to justice, basic human rights and protection for prostituted persons and victims of human trafficking, including access to a residency permits for foreign victims, access to financial compensation for all victims, and access to effective protection as witnesses or victims.

**Priority 5:** criminalize the purchasing of sex and extend the prohibition on imposing sexual acts to acts imposed using physical, psychological, or financial means. Prohibiting the purchasing of sex is the most effective measure that states can implement to eliminate human trafficking and prostitution.

**Priority 6:** Develop policies of prevention and education to promote equality and combat the commoditisation of the human body. Implement international information policies outlining the realities of prostitution and incorporating gender equality into the education system.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

If we want to protect women in the sex trade “from harm, violence, stigma and discrimination” we have to end the trade itself.

Authorizing the purchase of, or selling access to, another person’s body reaffirms the established imbalances of power in sexual relationships; which is contrary to human dignity and universal human rights.

All around the world, the prostitution system feeds on inequalities and exploits them;

All around the world, the majority of the victims of trafficking are women and children;

All around the world, the majority of the people who exert financial dominance over the most destitute are men;

All around the world, prostitutes are victims of discrimination, sexual abuse, and physical and psychological violence;

All around the world, migrants fleeing conflict zones and people living in war zones become more and more vulnerable to prostitution and trafficking;

All around the world, criminal networks, organized crime, traffickers, and pimps are the first to benefit from prostitution;

All around the world, the death rate of prostitutes sits well above the average death rate.

**Prostitution and trafficking for sexual exploitation are thus inherently violent and harmful. The only way to protect women “from harm, violence, stigma and discrimination” is to end the sex trade.** While doing so, States should immediately:

- Stop any form of criminalization of prostituted persons themselves
- Offer them protection, access to fundamental rights and exit options.
- Put an end to the impunity of those who economically and sexually exploit women, men and children (traffickers, pimps, sex buyers)

Please send your input to [consultation@unwomen.org](mailto:consultation@unwomen.org) by 16 October 2016 with the subject title “Written submission”.

BOISARD Frédéric  
FONDATION SCELLES  
14 rue Mondétour  
75001 PARIS  
[www.fondationscelles.org](http://www.fondationscelles.org)

## Answer on Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution

### Who are we?



*The Civil Society Initiative: From prostitution to Gender Equality*, is an alliance of activists, survivors and victims of sexual exploitation in prostitution and organizations from Bogotá- Colombia- South America against sexual exploitation of human beings. We strengthen the work of leaders and survivors, investigate and contribute to generate legal advances, public policies and sociocultural changes. We evidence the connection between sexual exploitation of women and transgender, with the one with children and trafficking, and hope to reestablish the rights of these groups, criminalize pimping and end sex buying.

*Allies of the Iniciativa: Child sexual exploitation:* Fundación Renacer, ACJ-YMCA, Fundación Fenix. *Vulnerable women and in prostitution:* Orden de Religiosas Adoratrices, Religiosas del Buen Pastor, Fundación Vida Nueva. *Trafficking in persons:* Corporación Anna Frank, Fundación Procrear, Corporación Tamar. *Gender violence:* GENFAMI, CDD (Católicas por el derecho a decidir), Conferencia de Religiosos/Red TAMAR. *Human Rights:* Corporación Humanas Colombia, Corporación Sisma Mujer Colombia. *International allies:* Prostitution, Research & Education, CATW (Coalition Against Trafficking in Women), CAP International (Coalition Abolition Prostitution), Equality Now.

### Colombian Context



Sexual exploitation of adults in Colombia, has traditionally been perceived as a public health matter, or a public space matter which has been partially regulated by Police Codes<sup>1</sup> and hardly<sup>2</sup> judicialized despite the existence of trafficking in persons, induction to prostitution and forced prostitution, crimes related in the Criminal Code. In the large cities “high impact zones, or tolerance zones” combine organized crime, drug trafficking and sexual exploitation of women, transgender and children<sup>3</sup>. Only in Bogotá – the capital- 90% of the close to 23.500<sup>4</sup> women in prostitution, come from other regions of the country, many displaced by violence (armed or domestic) or are victims of internal trafficking, and now also from Venezuela, neighbour country in deep political/economic crisis.

Assassinations of women sexually exploited in prostitution by sex buyers and pimps both on the streets and brothels, with firearms, knives, suffocation, strangulation, hanging and burns, are deficiently documented<sup>5</sup>. Also, many women die due to overdose or drug intoxication, adulterated alcohol, sexually transmitted diseases, pneumonias and cancers, and in many cases have been dismembered and disposed of in garbage bags, thus increasing the register of more than 90.000 missing persons in the country<sup>6</sup>.

<sup>1</sup> Report on “Prostitution as a social problem in the Capital” Contraloría de Bogotá, 2004.

<sup>2</sup> Of 5470 cases (2011-16) of trafficking in persons and sexual exploitation, only 84 have sentences (2%): Legal recourse sent by Councilman Hosman Martínez to the National Prosecutors Office.

<sup>3</sup> See the impact of establishing special zones for prostitution in the increase of criminality: <http://www.semana.com/nacion/articulo/bogota-red-de-explotacion-sexual-en-el-bronx/475726>

<sup>4</sup> Legal recourse sent by Councilman Hosman Martínez to the Social Integration Secretary, Bogota Mayors Office, May 2016.

<sup>5</sup> Homicides of women in prostitution from 2004 to 2013, Boletín Epidemiológico, Grupo Centro de Referencia Nacional sobre Violencia.

<sup>6</sup> See the National Legal Medicine and Forensic Sciences web site at <http://sirdec.medicinalegal.gov.co:38080/consultasPublicas/>

Internal armed conflict for more than 50 years has connected extractive industries, temporary agriculture and drug trafficking to the action of armed groups (armed forces<sup>7</sup>, paramilitaries<sup>8</sup>, guerrillas<sup>9</sup> and criminal bands) all who have abused, exploited, trafficked and forcefully displaced<sup>10</sup> girls, women and transgender.

They have been recruited and “sold” under false love conquests, to entertain or consume drugs with “sex buyers/exploiters, by drug traffickers and/or commanders, or simply to “serve” squads of soldiers who rape, abuse and torture them supposedly to make them stronger warriors, until they even drive them to death. It is reported that most of the urban brothels and businesses are owned by these same armed groups, since they use the same networks to traffic drugs, persons and weapons.

In the contexts of postconflict, there is evidence of the increase in violence against women, sexual exploitation in prostitution and trafficking with the purpose of sexual exploitation<sup>11</sup>, and next to the promotion of tourism as a solution for the country, “high-end” prostitution for tourists grows with the participation of hotels, restaurants, bars, casinos and taxi companies, and “packets” are sold for groups of men attending sports events or business conferences. Women and girls are recruited in transport terminals, fairs, restaurants, stadiums, beaches, schools and universities. Colombia already occupies the top countries in Latin America as origin and transit for sexual exploitation trafficking<sup>12</sup>.

### Question I

*The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?*

It is not possible to ignore sexual exploitation inherent to prostitution - that is- obtaining economic or other types of benefits by participating in prostitution, pornographic acts or the production of pornographic material. The term “sexual work” naturalizes sexual exploitation as a gender based violence and discrimination, that threatens human dignity and is a current form of slavery.

The eufemism of “sexual work” makes the role of direct and indirect exploiters (demanders/sex buyers and pimps) invisible, with grave consequences for the protection and guarantee of victims human rights. Evidence on its impact on women, girls, boys, adolescents, gay and transgender groups requires questioning it.

These violences have been historically minimized in the context of a patriarchal society which puts the focus of the problem on the victims conduct. It is shocking to find that sexual exploitation is the only violence where the discussion still turns around consent, volunteer or autonomy arguments.

In sexual exploitation, appart from gender, there are other discrimination factors. Most persons in prostitution have suffered violences in their childhood, forced displacement, poverty, class, ethnic and age discrimination, all aspects that make them vulnerable to the use of “demanders” and pimps who objectify their bodies, consider them merchandise or anything less than a human being.

<sup>7</sup> UN Special Rapporteur Report on violence against women, its causes and consequences, Radhika Coomaraswamy, 2001

<sup>8</sup> See reports and investigations on paramilitary involvement at <http://www.eltiempo.com/archivo/documento/CMS-12824463>, <http://www.vanguardia.com/colombia/371593-grupos-post-desmovilizacion-estarian-explotando-ninos>

<sup>9</sup> Interviews to religious organizations part of this Initiative and public interviews of women who have left the guerrillas and report being systematically raped in the armed groups.

<sup>10</sup> Judicial decree 092-2008, of the Constitutional Court, on the adoption of measures for the protection of women victims of forced displacement caused by armed conflict.

<sup>11</sup> See Armed Conflict and Trafficking in Women, GTZ 2004 [http://www.ungift.org/doc/knowledgehub/resource-centre/NGO\\_GTZ\\_Armed\\_conflict\\_and\\_trafficking\\_in\\_women.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/NGO_GTZ_Armed_conflict_and_trafficking_in_women.pdf)

<sup>12</sup> Women's Link Worldwide, *La trata y la explotación en Colombia no se quiere ver, no se puede hablar*. (2013) and Trafficking in Persons Report 2015 US State Department at <http://www.state.gov/documents/organization/245365.pdf>

In sexual exploitation what is judged is the intent in the conduct of the abuser or exploiter, not the consent of the victim.

In Colombia, induction to prostitution and trafficking in persons crimes, consent on behalf of the victim does not exempt the abuser of his criminal responsibility. Therefore, in sexual exploitation we do not discuss the right of a human being to decide on her/his own body, but on the supposed right of the human being to instrumentalize and exploit the body of another human being for their own sexual satisfaction or that of third parties. There is no right (explicit or connected) that allows someone to sexually exploit another human being.

In countries that legalize prostitution, the only ones benefitted are those who finally have the freedom to exploit them and impose even worse conditions on them<sup>13</sup>. For pimps, more than employees, they are their clients. They bring “clients” and not only charge them for room rent where they are exploited, but the alcohol and drugs that maintain them in prostitution<sup>14</sup>, their food, child care, police fines, surgery, health problems, among others.

Some programs consider that giving out condoms resolve problems related to sexually transmitted diseases and unwanted pregnancies without considering the structural causes. Others centered in “changing a job for another job”, have demonstrated their failure, since they did not consider the complexity of traumas and contexts in which sexual exploitation happens. This supposed “work”, does not comply with any of the minimum international standards<sup>15</sup> (see table). Also, “commercial sex” naturalizes an industry that is clearly built on abusing the economic, psychological, social and gender vulnerability of people.

Both in peace or in conflict, human rights of girls, women and transgender are the most affected. It is surprising to find that UN Women has doubts on which rights are violated by sexual exploitation in prostitution.

## Question2

*The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as a) reproductive rights, b) women’s ownership of land and assets, c) building peaceful and inclusive societies, d) ending the trafficking of women, e) eliminating violence against women. How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?*

Standards	In prostitution
1. The elimination of discrimination in respect of employment and occupation	Gender discrimination, job market obstacles, and lack of income, throw women into sexual exploitation.
2. The effective abolition of child labour and forced or compulsory labour	All coercion, threat, abuse of power implies forcing. They are recruited or induced to prostitution in childhood.
3. Fair work conditions	They suffer multiple forms of violence and crimes on behalf of pimps, sex buyers, police, and public officers.
4. Freedom of association and the effective recognition of the right to collective bargaining	Unions don’t eliminate the social stigma, nor the grave impacts on their mental and physical health. Also, they are not clear as to what objectives they have or with “which” employers they negotiate with.
5. Incompatible with security and health standards.	Such as minimizing risks to blood and infections, defense from sexual harassment, among others.

<sup>13</sup> See, Der Spiegel, Unprotected: How legalizing prostitution has failed, 2013.

<http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>

<sup>14</sup> Nisha Lilia Diu, “Welcome to Paradise: Inside the World of Legalised Prostitution,” The Telegraph, January 8, 2015,

<http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

<sup>15</sup> See ILO principles and fundamental rights to work <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-es/index.htm> and Methodology for the assessment of decent work in Colombia: Trabajo Digno y Decente en Colombia, Seguimiento y control preventivo de las políticas públicas, Procuraduría General de la Nación, 2011.





Before answering this question it is important to clarify that Target 5.2 of the SGDs refers to eliminating all forms of violence **against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation**<sup>16</sup>. It does not only make reference to trafficking in persons, but it specifies sexual exploitation in women as one of the forms of violence that must be eliminated by 2030. Eliminating it means that no girl or woman should experience this violence which is both cause and consequence of women's poverty and objectification of the female. Agreeing with "sex work" not only goes against SGD 5.2, but it also contributes to making this discrimination and violence invisible against children, women and transgender.

Once concepts and problems addressed are clear, public policies can be addressed. This is not a debate on "ideas or what people at desks might think", but on "evidence on the ground". This is why it is important to build from experience of organizations and specially from women and survivors themselves. We are attaching a video with their opinions. *It is impossible to tell a woman who has lived prostitution, that it is work rather than exploitation*<sup>16</sup>.

If we see the evidence in Colombia, there is no doubt that a male-centered culture and armed conflict have strongly impacted the possibility of reaching gender equality. The Nordic model<sup>17</sup>, responds to the country's context of peace building focusing on the demand (without demand there is no exploitation), and preventing military/paramilitary/criminal structures from benefitting from the traditional relationship to drug trafficking/sexual exploitation, that greatly affects communities and society as a whole.

Policies should work on an equality model that stops putting responsibility on victims, and justifying exploiters as "employers" or "traders". We propose that the SGD complement should include more human development alternatives, where women's rights are guaranteed and they don't have to recur to prostitution to survive; the empowerment of women to prevent and report trafficking and sexual exploitation, as well as their participation in the building of the peace accords that are underway.

### Question3

*The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?*

Sex trade, more than gendered, is a violence and gender discrimination. Protection and reparation of persons used sexually in a prostituting system must include alternatives and prevention among vulnerable groups. Additionally, it must transfer the stigma to sex buyers and the multimillionaire industry that exploits them, not the women who are exploited. Finally, it must involve educational long term initiatives to change entire generations towards gender equality. It is cheaper for a society to prevent than to repair and rebuild<sup>18</sup>.



<sup>16</sup> The video has subtitles with extra content to the audio (which was not translated). They are messages built by the women themselves. Please do not make public on social networks or internet.

<sup>17</sup> See Resolution A7-71-2014 of the European Parliament.

<sup>18</sup> Estimating the economic and social cost of prostitution in France, ProstCost, Mouvement Du Nid and ISEC European Commission, France, 2015.



## Irish Observatory on Violence against Women

### Submission to UN Women on Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution.

16 October 2016

#### Introduction

The Irish Observatory on Violence against Women operates under the auspices of National Women's Council of Ireland since its formation in 2002. The Observatory is an independent network of grassroots and national organisations that come together quarterly to monitor progress on responses to violence against women in Ireland. The Observatory welcomes the opportunity to contribute to this UN consultation. The Observatory has identified prostitution and trafficking as one of the key priority areas in its work in tackling violence against women.

Research conducted in 2009 indicates a figure of at least 1000 women in indoor prostitution in Ireland at any time, with a far smaller number in on-street prostitution in Ireland's larger cities. This research further revealed a criminal underworld in which international traffickers, Irish pimps, prostitution agencies and buyers collaborate in the commercial sexual exploitation of women and girl children. It indicated a highly lucrative industry worth approximately €180 million and easily accessible indoor prostitution in every part of Ireland.

<sup>1</sup>Key findings of the research include:

- 1,000 women in indoor prostitution with over 800 women advertised on the internet with sexually explicit pictures and detailed lists of the sexual acts which can be bought; 102 women identified as trafficked for sexual exploitation; 11% were girl children at the time
- 87% and 97 % are migrant women aged 18-58 with some evidence that girl children as young as 16 years are involved; 51 different nationalities of women advertised; women are targeted by traffickers, pimps and prostitution ('Escort') agencies from impoverished regions in Africa, Latin America and Central European countries.
- While some women may operate independently, the Irish sex industry is for the most part highly organised with women being constantly moved from place to place. Prostitution agencies and pimps exercise different levels of payment, penalty, debt bondage, control and violence. In some so called 'high class' agencies the buyers pay €400 to have the woman sent to an apartment or hotel to do anything they require.
- Dangerous, unprotected sexual activities are commonplace with high proportion of buyers stating they had unprotected oral sex, vaginal and anal sex; there is increasing pressure on women to engage in high risk sexual acts, damaging to women's sexual, reproductive, mental and physical health.

Investigative documentary programmes produced by Ireland's national broadcaster RTE in 2012 revealed the level of organisation and control within the sex trade.<sup>2</sup>

<sup>1</sup> Kelleher Associates, O Connor M., and Pillinger, J. (2009) Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland. Dublin: Immigrant Council of Ireland.

<sup>2</sup> <http://www.rte.ie/news/player/2012/0207/3193909-prime-time-profiting-from-prostitution/> and <http://www.rte.ie/news/player/2015/1130/20889852-rte-investigation-finds-up-to-20-gangs-running-prostitution-rings-in-ireland/>

**1. The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

The system of prostitution is a violation of human rights and it is an obstacle to equality between women and men. The Observatory would like to highlight international and European human rights instruments which address the issue of prostitution. These qualify prostitution as a form of violence against women, an obstacle to equality between women and men and an obstacle to human dignity or a violation of human rights. These include the 1989 UN Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the Convention For The Suppression Of The Traffic In Persons And Of The Exploitation Of The Prostitution Of Others.<sup>3</sup>

Prostitution is part of the historical continuum of male violence against women. The vast majority of women involved in prostitution have suffered from violence, often sexual, before entering prostitution. The vast majority are victims of many forms of violence while in prostitution (physical, verbal, sexual, psychological violence). The system of prostitution further fuels and perpetuates trafficking in human beings for sexual exploitation.

**2. The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

Prostitution and its exploitation are not only a violation of human dignity, but also a form of male sexual violence, a fundamental obstacle to gender equality and to women's empowerment. Prostitution violates the most fundamental human rights to security, physical and psychological integrity, health, and equality.

The Observatory supports legislation which will decriminalise the sale of sex by individuals, while targeting the sex buyer as the driver of demand for sex for sale, in addition to pimps and traffickers who profit from the prostitution of others. Such legislation is also supported by over 70 members of the Turn Off the Red Light Campaign.<sup>4</sup> The Turn off the Red Light Campaign includes in its membership: Trade Unions, including the Irish Nurses and Midwives organisation, Prostitution survivor groups and individuals, Violence against Women's organisations, Children's Rights organisations and many others.

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<sup>3</sup> See European Women Lobby Briefing paper No. 1 as part of their submission to the Joint Oireachtas Committee on Justice, Equality and Defence to the Review of legislation on prostitution 23 August 2012 which gives an overview of prostitution in international and European human rights instruments. [www.womenlobby.org](http://www.womenlobby.org)

<sup>4</sup> See [www.turnofftheredlight.ie](http://www.turnofftheredlight.ie)

At Irish Governmental level, an extensive consultation on the future direction of prostitution legislation in Ireland was initiated by the Department of Justice and Equality in 2012, following the publication of a discussion document which reviewed legislative approaches in other jurisdictions, including the UK, Sweden, Germany, Netherlands, Australia, New Zealand and Canada. The discussion document was referred to the Cross party Parliamentary Committee on Justice, Equality and Defence which conducted a public consultation process. Presentations from 26 organisations and individuals (including women both involved in, and exited from prostitution) and over 800 written submissions were considered in this process. In its report, the Committee unanimously recommended the introduction of legislation to criminalise the purchase of sex and decriminalise individuals in prostitution.<sup>5</sup>

This legislation is supported by numerous Irish organisations, as noted above, who recognise the systemic, gendered and racist nature of the sex trade. Women in situations of poverty, indigenous women and women from minority ethnic backgrounds and other marginalised groups such as transgender women are disproportionately represented in brothels all across the world, including in Ireland. The Nordic approach works best to reduce the exploitation & numbers being trafficked and coerced into the sex trade, and it holds those who benefit from exploitation to account.

To realize the SDG targets on exploitation, trafficking and violence against women, it is imperative that policies tackle gender discriminatory laws that trap women into poverty and make them vulnerable to prostitution and tackle the demand that fuels the commercial sex industry by holding offenders to account.

### **3. The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The prostitution of women and girl children constitutes a fundamental violation of women's human rights and a serious form of male violence against women. It is the view of the Observatory that prostitution is incompatible with equality for women. The Observatory believes that the introduction of legislation to criminalise the purchase of sex whilst at the same time decriminalising those who sell sexual acts and offering support services to people in prostitution is the only viable way to work towards an end to this exploitative industry. Government and police reports show that the Swedish model has been instrumental in deterring trafficking and procuring, reducing prostitution in the streets and changing mentalities. Research shows that Sweden is no longer an attractive market for traffickers and pimps and that the law clearly works as a deterrent.<sup>6</sup>

We believe that introducing legislation to criminalise demand will act as a deterrent for people who buy sex. This would send out a strong message that protection of women from all forms of violence is a strong commitment of the government and as a key stepping stone to the achievement of women's equality. It is crucial real alternatives are developed for women and girl children in prostitution. These include exit programmes and rights-guaranteed access to housing, education and training, health care, legal advice and support

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<sup>5</sup> Joint Committee on Justice, Defence and Equality: Report on hearings and submissions on the Review of Legislation and Prostitution. June 2013. See also Joint Committee on Justice, Defence and Equality Report on hearings in relation to Domestic and Sexual Violence. October 2014.

<sup>6</sup> Ekberg / Wahlberg: The Swedish Approach: A European Union Country Fights Sex Trafficking (2009)

as well as residency. This is how we can best protect women in prostitution or affected by prostitution from harm, violence, stigma and discrimination.

**The following members of the Irish Observatory on Violence against Women support this submission:**

- Action Aid Ireland [www.actionaid.ie](http://www.actionaid.ie)
- Cork Sexual Violence Centre [www.sexualviolence.ie](http://www.sexualviolence.ie)
- Longford Women's Link [www.lwl.ie](http://www.lwl.ie)
- Immigrant Council of Ireland [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)
- National Collective of Community-based Women's Networks [www.nccwn.ie](http://www.nccwn.ie)
- National Women's Council of Ireland [www.nwci.ie](http://www.nwci.ie)
- Ruhama [www.ruhama.ie](http://www.ruhama.ie)
- Women's Aid [www.womensaid.ie](http://www.womensaid.ie)
- YWCA Ireland [www.ywca.ie](http://www.ywca.ie)



**JOINT WRITTEN SUBMISSION BY IROKO ONLUS AND RESISTENZA FEMMINISTA IN COLLABORATION WITH PARTNER CIVIL SOCIETY SERVICE PROVIDERS AND GROUPS IN ITALY, NIGERIA AND THE UK**

[IROKO](#) is an Italian human rights organisation fighting to eliminate all forms of violence against women and children, with special attention to the elimination of the trafficking and exploitation of women and children in prostitution and in other areas. IROKO has provided services and support to survivors of sex trafficking and prostitution for over 18 years.

[Resistenza Femminista](#) is an Italian organisation working to end the commercial sexual exploitation of women, including in prostitution and pornography.

Our organisations work with many partners, including service providers and survivor-led groups, in Italy and around the world on these issues.

***Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?***

The enjoyment of human rights is predicated upon the inalienable principles of dignity, liberty, equality, and brotherhood, as clearly evidenced by the Universal Declaration of Human Rights and as affirmed by various UN, Regional and National legal instruments. Prostitution/sex trade by virtue of its inherent characteristics directly negate the rights to dignity, liberty, equality and brotherhood/sisterhood.

Various studies<sup>1</sup> have demonstrated that prostitution eradicates the identity and sense of self of the person, thus denying him or her dignity. Prostitution perpetuates gender, race and economic inequalities. It violates women and girls' rights to equality and non discrimination, safety, health, freedom from exploitation and in some cases their right to life. Sex trafficking and enslavement of women and girls have been directly linked to the sex trade globally.

A study carried out by Tampep in 2010, shows that there are 50.000 persons in prostitution in Italy, 82% women, 15% transgender, 3% men; that majority are migrant women and that 90% of

<sup>1</sup> LEIDHOLDT, D. (2003) *PROSTITUTION AND TRAFFICKING IN WOMEN: AN INTIMATE RELATIONSHIP*. IN M. FARLEY (ED.), *PROSTITUTION, TRAFFICKING AND TRAUMATIC STRESS*, NEW YORK: ROUTLEDGE.

[HTTP://WWW.PROSTITUTIONRESEARCH.COM/LEIDHOLDT%20PROSTITUTION%20AND%20TRAFFICKING%20IN%20WOMEN.PDF;](http://www.prostitutionresearch.com/Leidholdt%20Prostitution%20and%20Trafficking%20in%20Women.pdf)

them face a much higher level of violence than the general populace. Other studies have also shown the much higher level of PTSD<sup>2</sup> amongst people in prostitution as compared with the general populace. The impact and harm of prostitution has been amply confirmed by our own research<sup>3</sup> and the hundreds of survivors we have served over the years.

It is thus evident that prostitution cannot be described as “sex work”, because it is the antithesis of human rights. Work is a dignifying and self affirming activity, which the sex trade is not and the 2030 Agenda can therefore not be interpreted in relation to it.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as**

- a) reproductive rights**
- b) women’s ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

Gender equality and empowerment of women and girls can only be achieved where women and girls have equal access to social, educational, financial and economic opportunities and where their rights are protected and enforced. This envisages the elimination of all forms of discrimination and violence against them and the full inclusion of women and girls in the political, social and cultural life of their communities. The sex trade and prostitution deny women and girls dignity and equality and subject them to some of the worst forms of violence with lifelong effects which deny them full participation in the political, social and cultural lives of their communities.

In order to ensure the achievement of the SDGs, it is necessary to enact and enforce policies which provide for adequate resources to enable women and girls exit the sex trade and prostitution, policies which do not criminalise them, but which recognises that they are in the sex trade in the majority of cases due to lack of alternatives; policies which target the demand for sexual services and which clearly demonstrate and recognize that the sex trade and prostitution are harmful to women and girls and deny them their human rights and which hold those who buy them in prostitution responsible for the harm they do to the women by criminalising the demand.

<sup>2</sup> <http://www.trauma-and-prostitution.eu/en/2016/01/08/prostitution-is-incompatible-with-equality-between-men-and-women/>

<sup>3</sup> IROKO ONLUS: Working to Combat the Trafficking of Nigerian Women and Girls into Italy, Canadian Woman Studies: Migration, Labour and Exploitation; Trafficking in Women and Girls – York University Publication (Spring/summer 2003) vol. 22 N° 3, 4 , pp. 197 – 199

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

Prostitution is a highly gendered phenomenon and must not be considered “work”<sup>4</sup>. A study by Foundation Scelles in Le Figaro estimates that there are 40-42 million people in prostitution worldwide. 80 % are female between the ages of 13-25 and 90% of them are exploited by a pimp. In Italy for example, the vast majority of those in prostitution are women and girls, primarily from disadvantaged or abusive backgrounds and poorer countries such as Nigeria, Albania, Bulgaria, Hungary, Romania, Ukraine and China. Many have been trafficked, and all are constantly exposed to serious safety and health risks. The testimonies<sup>5</sup> of survivors underscore this: ‘Adelina’ was trafficked from Albania into street prostitution in Italy, while ‘Heaven’, an Italian survivor who suffered childhood sexual abuse, was exploited in a brothel from the age of 14. Prostitution is thus a manifestation of gender inequality, being rooted in the unequal power relations between women and men in society. Individuals’ vulnerability to exploitation in prostitution is further exacerbated, and in some cases determined, by other inequalities based on ethnicity, class, disability and other socio-economic characteristics. As evidenced in a study by a renown researcher, Melissa Farley<sup>6</sup>, “No other “employment” has comparable rates of physical assault, rape, and homicide except for war combat. One woman explained, “What rape is to others, is normal to us.” The symptoms of profound emotional distress that result from prostitution and trafficking are off the charts – depression, suicidality, anxiety, posttraumatic stress disorder, dissociation, substance abuse.” Another group of German therapists<sup>7</sup>, in their study also found that “..... prostitution is humiliating, that it is degrading, that it is an act of violence and a continuation of violence in these women’s life histories.” And that “There is no “good prostitution.”

It is essential to recognize that most women are trafficked and forced or led into prostitution by abuse and/or desperation from lack of employment and educational opportunities or from poverty.

When there is a harm, the only remedy is the elimination of such harm. To protect women in the sex trade therefore from harm, violence, stigma and discrimination, it is essential to provide them with valid alternative sources of income through provision of resources, elimination of laws/policies that target and punish them, while targeting and discouraging the demand for sexual services as advocated by the Palermo Protocol. An excellent example of such an approach are the laws initiated by Sweden and followed by countries like Norway, Iceland, Northern Ireland and France, to name a few.

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We hope you will take this information into consideration as you work with your colleagues to define a clear policy position for UN Women and to seek the best options for women and girls, ensuring that their human rights are fully protected.

<sup>4</sup> <http://www.catwinternational.org/Home/Article/587-over-300-human-rights-groups-and-antitrafficking-advocates-worldwide-weigh-in-on-sex-work-terminology-in-media>

<sup>5</sup> <http://www.resistenzafemminista.it/category/sopravvissute/>

<sup>6</sup> Melissa Farley, Unequal, *The Nation*, August 30, 2005

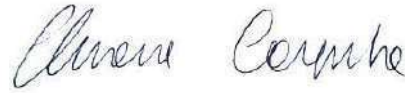
<sup>7</sup> <http://www.sabinabecker.com/2014/09/german-psychologists-and-the-scientific-case-against-prostitution.html>



Thank you for your attention and we are at your disposal regarding any questions or comments you might have. Kindly feel free to contact Nica Mammi at [info@associazioneiroko.org](mailto:info@associazioneiroko.org) or +39 388 430 9096 or Chiara Carpita at [chiaracarpita@gmail.com](mailto:chiaracarpita@gmail.com) or +39 320 487 8927.



**Associazione Iroko Onlus**  
Dr. Esohe Aghatise  
Executive Director



**Resistenza Femminista**  
Dr. Chiara Carpita  
Executive Director

**Signed by our Partners Organisations by their legal representatives:**

1. Stefania Cantatore, *UDI Napoli (Italy)*
2. Elvira Reale, *Associazione Salute Donna (Italy)*
3. Clara Pappalardo, *Arcidonna Onlus Napoli (Italy)*
4. Antonella Penati, *Associazione Federico nel cuore Onlus (Italy)*
5. Raffaella Mauceri, *Coordinamento donne siciliane (Italy)*
6. Vanda Natalina Covre, *Associazione Spazio Donna Caserta Onlus (Italy)*
7. Ms. Maria Gaita, *Associazione Febe Onlus (Italy)*
8. Ms. Ester Basile, *Associazione Eleonora Pimentel (Italy)*
9. Ms. Maria Rosaria Olivieri, *Ass. Terra di Lei (Italy)*
10. *Snoq Napoli (Italy)*
11. *One Billion Rising Napoli (Italy)*
12. Ms. Patrizia Palumbo, *Associazione Dream Team-donne in rete (Italy)*
13. Ms. Annamaria Visconti, *UDI Territoriale (Portici, S. Giorgio, Ercolano) (Italy)*
14. Ms. Elisa Ercoli, *Differenza Donna (Italy)*
15. Ms. Zdenca rocco, *Associazione Rising pari in genere (Italy)*
16. Ms. Patrizia Cencetti, *Donneinsiemevaldelsa (Italy)*
17. Ms. Micaela Crisma, *Associazione ACCSE (Italy)*
18. Ms. Rita Teodori, *Associazione Olympia de Gouges di Grosseto (Italy)*
19. Ms. Carmen Marini, *Associazione NONDASOLA Onlus - Centro antiviolenza di Reggio Emilia (Italy)*
20. Ms. Anna Maria Montanaro, *Associazione Safiya Onlus, Centro Antiviolenza Polignano a Mare (Ba) (Italy)*
21. Ms. Donatella Martini, *Ass. Donne in quota (Italy)*
22. Ms. Siusi Casaccia, *Coordinamento Italiano della Lobby Europea delle Donne (Italy)*
23. Ms. Gabriella Paolucci, *Donne di Artemide (Italy)*
24. Ms. Nadia Somma, *Centro Antiviolenza Demetra (Italy)*
25. Mr. Paolo Botti, *Amici di Lazzaro (Italy)*
26. Prof. Yinka Omorogbe, *Edo Women's Development Initiative (Nigeria)*
27. *D'ORAD Charity (UK)*
28. Mr. Paolo Ramonda, *Associazione Papa Giovanni XIII (Italy)*



**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

The SDG agenda is clear when it comes to gender equality in its SDG 5 target 2 the focus is given on elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. Sex work and prostitution are closely related to trafficking and sexual exploitation. The Swedish model for combating prostitution is a great example that is giving the clear connection between sex work and trafficking in human beings.

Beside SDG agenda also CEDAW is clear when it comes to elimination of stereotypes between men and women. It tackles the problems of sexualize and objectification of women. So prostitution legalized or not is the main engine for portraying women and girls as sex objects that can be bought as any other goods.

**Question 2)** The Sustainable Development Goals (SDGs) set out to [achieve gender equality and to empower all women and girls](#). The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The sex work and legal prostitution cannot promote all those targets included in the SDG agenda. In fact this phenomenon directly affects the promotion of reproductive rights, economic empowerment of women, women security, elimination of THB and ending VAW. Legal prostitution can also perpetrate early marriage and sexual exploitation of girls predominantly.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

By legalizing prostitution there is not a great space for protection of the rights of women in prostitution from harm, violence, stigma and discrimination. In contrary the legalization will always

live some women out of its coverage so those women and girls would be exposed to violence and even trafficking in human beings. Even women in prostitution that would be covered by the benefits of the legalized prostitution would be subject to violence and stigma. Those women are in circle and the exist sometimes in not such a easy choice for them.

The problem is accelerating with the migrant crises in which Europe currently is. With such a huge number of vulnerable women and girls arriving in Europe legalized prostitution would be sometimes the only optional employment opportunity in which those women will end up. Therefore the clear consent by women in such situations is very questionable.

Macedonian Women's lobby contribution and opinion regarding sex work, sex trade and prostitution is attached.

Sincere greetings

Daniela Antonovska

Program coordinator

Macedonian women's lobby



## A POSITION STATEMENT FROM MASIMANYANE WOMEN'S SUPPORT CENTRE ON THE DECRIMINALISATION OF PROSTITUTION IN THE EASTERN CAPE

Masimanyane Women's Support Centre is a social justice and equality organisation working to end violence against women and girls (VAW). We have a 19 year history of working in the Eastern Cape and we have provided services to more than 300 000 women and girls. We have developed a strong analysis on the particular way in which inequality is played out in our society and how it harms our ability to realise a society that is fair and just and equal.

Masimanyane has in particular had to provide services to young women who have been prostituted in and around our province as well as assisting women prostituted into our province from other countries and some who were taken from our province to countries where they were exploited.

This is an indication of the rise in levels of the commodification of women's bodies through sexual exploitation. This growing phenomenon is harming young women, taking back the gains made in addressing gender equality and denying women and girls the rights enshrined in South Africa's constitution.

### PATRIARCHY AND PROSTITUTION

Masimanyane locates this discussion within the larger issue of the struggle for gender equality and the structural impediments that lead to the ongoing discrimination and oppression of women and girls. Masimanyane views prostitution as a cornerstone of patriarchal control and sexual subjugation of women that impacts negatively not just on the women and girls in prostitution but on all women as a group because prostitution continually affirms and reinforces patriarchal definitions of women as having a primary function to serve men sexually.

### IMPACT OF PROSTITUTION ON WOMEN

Prostitution has a negative impact on women is harmful to their bodies, minds and overall wellbeing. Women and girls report that the act of prostitution is intrusive, unwanted, and often overtly violent sex and mostly consists of submitting to acts carried out by clients or by pornographers on the bodies of women and girls. One woman reported to being forced to have sex with a dog while the man watched.

Others report having to have oral sex and being forced to “drink” the ejaculated fluid of the “customer” and being consumed by fear of contracting HIV or an STI. Still others have reported having various objects being forced into their vaginas and anuses or having groups of men ejaculate on them simultaneously. Most accounts are at best horrific and always dehumanising.

#### HEALTH IMPACT

Women suffer health consequences as a result of prostitution which includes harm to their physical bodies by the use in some cases of instruments that penetrate various orifices, unwanted and forced pregnancies, sexually transmitted infections including HIV, abortions and urinary tracts infections.

The harm to the mental health of women and girls is also extensive as is the social harm through stigma and discrimination. Most women seeking our services talk about the desire to escape prostitution rather than a need for protection in it.

Violence and degradation, even when not acted out, are inherent conditions of prostitution sex. For one thing, the possibility of violence is always present, for another, sex mediated by money means power to dictate what sex will happen.

#### HUMAN RIGHTS

South Africa is a country in transition from an apartheid system to a human rights system and the Bill of Rights in our constitution confirms these rights. Prostitution violates the right to physical and moral integrity. It violates the prohibition of torture and of cruel, inhuman or degrading treatment or punishment because of practices of sexual "entertainment" and pornography. It violates the right to liberty and security and the prohibition of slavery, of forced labour and of trafficking in persons because many women and girls are held in sexual slavery to meet the demand of male buyers of sex. It violates the right to enjoy the highest standard of physical and mental health militating against a healthy sense of and relationship with their own bodies.

#### PROSTITUTION AS WORK

Most advocates agree that there is no way to detect a distinct market for those who are “voluntary sex workers” and a separate market for those who are victims of trafficking and forced into prostitution. The demand and the market are the same. Men exercising their power in this case, their economic power to obtain access to women’s bodies. The arguments that vindicate prostitution as “sex work” only promote the expansion of the sex industry and the business of pimps and traffickers.

Both Germany (2002) and the Netherlands had legalised prostitution lifting the prohibition against promoting prostitution and theoretically gave women the right to contracts and benefits in prostitution establishments. World renowned expert on Prostitution, Janice Raymond reported that : “ Five years later, a federal government evaluation of the law found that the German Prostitution Act, as it is called, had failed to improve conditions for women in the prostitution industry nor helped women to leave. It has also failed to reduce crime in the world of prostitution." As a result, the report stated that "prostitution should not be considered to be a reasonable means for securing a living."

Results were equally bad in the Netherlands where prostitution and the sex industry have been legalized since 2000. Two official reports in 2007 and 2008 have soured official optimism about the Dutch legalization model. The government-commissioned Daalder Report found that the majority of women in the window brothels are still subject to pimp control and that their emotional well-being is lower than in 2001 "on all measured aspects." The Dutch National Police Report puts it more strongly: "The idea that a clean, normal business sector has emerged is an illusion..." They are backtracking on the legalization of prostitution in that country.

Legalization of prostitution is a failed policy in practice. The prostitution policy tide is turning from legalization of prostitution to targeting the demand for prostitution without penalizing the victims. Countries who want to be effective in the fight against trafficking and not havens of sexual exploitation are beginning to understand that they cannot sanction pimps as legitimate sexual entrepreneurs and must take legal action against the buyers. We need to protect women in prostitution by not criminalising them and extending services and support to them but we cannot consider decriminalising the entire sex industry because of the harm it inflicts on the bodies and lives of women and girls.

The call should be on building communities where women are not having sex as a means for survival and where their social, cultural and economic rights including health, housing, education, work opportunities, etc. are guaranteed.

The argument that prostitution is a legitimate form of work for women and that there are sometimes no better work options for women is to give up political battle for women's non-prostitution economic empowerment and to tolerate the growing operations of enormously lucrative sex businesses that absorb women as the raw material for their industry.

The Eastern Cape continues to be the poorest province in the country and one of the largest rural provinces. Accepting prostitution as a viable "work opportunity" will open the way for the rife exploitation of young women and girls. Pimps will be given the right to trade these young women as commodities resulting in profits for themselves and extensive harm to the victims.

## CONCLUSION

Masimanyane's view is we have a duty to imagine a world without prostitution as we have learned to imagine a world without slavery, apartheid, infanticide or female genital mutilation. Ultimately gender relations must be restructured so that sexuality can once again be an experience of human intimacy and not a commodity to be bought or sold.

By:

Dr Lesley Ann Foster

Executive Director: Masimanyane Women's Support Centre



## **Men's Development Network Submission to UN Women on Human Rights, The Sex Trade & Prostitution.**

Men's Development Network  
49 O'Connell Street  
Waterford  
Ireland  
+35351844260/1  
[www.mens-network.net](http://www.mens-network.net)  
[wri@mens-network.net](mailto:wri@mens-network.net)

### Introduction

The Men's Development Network (MDN) supports the adoption of the Nordic Model in Ireland. MDN is a key member of the Turn Off the Red Light Campaign which has successfully lobbied for legislation that holds purchasers of women for sex accountable for their contribution to a trade that is directed by the commercial interests of criminals<sup>i</sup> and exploits the most vulnerable in our society. As well as lobbying for changes in the law, we have worked alongside sex-trade survivors presenting in schools, colleges and in national campaigns to highlight the need to deal with the demand side of the sex-trade. We feel that tackling demand is essential to delegitimising those who profit from exploitation and to protect the most vulnerable. We see prostitution as a form of male violence against women and an infringement of the human rights of women and girls. Thus we believe that violence against women and girls cannot be dismantled by legitimising the perpetrators or having their actions sanctioned by the state.

### **Q1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

Prostitution policy should always reflect Human Rights and Human Dignity in reference to the first sentence of Universal Declaration of Human Rights which states that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"<sup>ii</sup>. This is not compatible with a global trade that profits from sexual coercion, is based entirely on the sexual primacy of men and whose victims are most often poor women and/or women of colour.

Commitments to universality in prostitution policy should first recognise that: "Across cultures, at all levels of economic development, whether street or house, when asked, "What do you need?" , the answer of 89% of people in prostitution is to "[l]eave prostitution."<sup>iii</sup> – Catherine McKinnon

Principles of universality should strive to eliminate a system where a certain class of women is subject to the levels of violence and PTSD faced by prostituted women: A study of 854 women in prostitution in 9 countries reported that 70 - 95% of the women experience physical assault, among

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which 60 - 75% had been raped. Sixty-eight percent of 827 met the criteria for lifetime diagnosis of Post-Traumatic Stress Disorder (PTSD).<sup>iv</sup>

While it is important to acknowledge that no state has managed to abolish prostitution, states have a responsibility to implement best practices to reduce demand which has been shown to reduce instances of trafficking, coercion, pimping and prostitution in the following ways:

- Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been reduced by 50%.<sup>v</sup>
- The prevalence of street prostitution was about the same in the three capital cities of Norway, Denmark and Sweden before the ban on the purchase of sexual services was introduced, but the number of women in street prostitution in both Norway and Denmark subsequently increased dramatically.<sup>vi</sup>
- Less than 7.8% of its active adult male population buys sex compared to 13.6% before the law was enacted.<sup>vii</sup>
- In 2008, the number of people in street prostitution in both Norway and Denmark was estimated to be three times higher than in Sweden.<sup>viii</sup>
- Since 1999, Sweden has recorded a significant decrease in trafficking activity in the country.<sup>ix</sup>

There is a temptation to attempt to separate prostitution and voluntary sex-work, as if a neat distinction can be made, especially where poverty is a major push factor. Both legal and illegal trade in free market economies actively seek growth and work aggressively to ensure that supply meets demand. States that have legitimised the purchase of sex have seen rises in levels of trafficking, coercion and illegal markets to meet rising demand. Failure to implement best practice to reduce this demand contravenes a state's responsibility in Article 9 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which requires that states take legislative action to discourage exploitation and acts that lead to trafficking.<sup>x</sup>

The abrogation of state responsibility in legalised prostitution violates the international human rights "prohibition on inhuman and degrading treatment and torture is a peremptory norm or *jus cogens*. In other words, a State cannot use any excuse to justify those acts, including the legalization of prostitution."<sup>xi</sup>

States have a responsibility under Article 6 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) to "eliminate exploitative prostitution."<sup>xii</sup> Legal commodification of women's bodies not only increases exploitation as outlined previously, but also allows the state to profit from exploitation by collecting taxes from those who profit from the sale women's bodies.

Article 1 of the Vienna Declaration and Program of Action (1993) defines the term, "violence against women," as "any act of gender-based violence that results in, *or is likely to result in*, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".<sup>xiii</sup> As mentioned in previous points prostituted women are highly likely to experience physical, sexual or psychological harm (as above "70 - 95% of the women experience physical assault, among which 60 - 75% had been raped. Sixty-eight percent of 827 met the criteria for lifetime diagnosis of PTSD)<sup>xiv</sup> in addition to an

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extremely high mortality rate (a Canadian study estimated a mortality rate as high as forty times the national average<sup>xv</sup>).

State sanctioning of private brothels may contravene responsibilities under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms relating to torture<sup>xvi</sup>. The state is liable for actions of private brothel owners in cases of torture, trafficking and imprisonment common in prostitution.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

The sex trade cannot exist without male demand for commodified bodies. The Nordic Model focuses on eliminating this demand by shifting responsibility on those who create that demand. The normative shift is an important factor. In Sweden this shift is noteworthy, particularly amongst young people with less than 7.8% of its active adult male population buying sex compared to 13.6% before the law was enacted<sup>xvii</sup>. The law now has the support of 70% of the Swedish population, indicating that the stigma has shifted away from those in prostitution to the buyer.

The Nordic Model also decriminalises those victimised by prostitution. This is a crucial step to give women in prostitution the opportunity to report crimes and to seek exit strategies.

The provision of exit strategies in the Nordic Model is an important factor in providing real support and choice to those in prostitution. When prostitution is seen as 'a job like any other' there is less incentive to provide alternative opportunities or implantation of policies to lift women out of the poverty that pushes them into prostitution.

Support for the Nordic Model is essential to achieving Sustainable Development Goals, and taken together can eliminate a number of push factors for women into the sex-trade (SDG) (with reference to the above) in the following ways:

SDG goal 1 Poverty: Poverty is the one of the major push factors into the sex trade. Ending global poverty is an essential piece in ending sexual exploitation by eliminating this push factor. As well

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tackling demand, The Nordic Model commits to offering exit programs that offer women in poverty real opportunities which is compatible with the SDG goal that “Governments can help create an enabling environment to generate productive employment and job opportunities for the poor and the marginalized. They can formulate strategies and fiscal policies that stimulate pro-poor growth, and reduce poverty.”<sup>xviii</sup>

SDG goal 4 Education: The Nordic Model focuses on exit strategies including access to education. Given the disproportionate representation of vulnerable groups in the sex trade, the Nordic Model is compatible with the goal to “eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.”<sup>xix</sup>

SDG goal 5 Gender Equality: “Worldwide, 35 per cent of women have experienced physical and/or sexual intimate partner violence or non-partner sexual violence.”<sup>xx</sup> As mentioned above the figure for sexual assault almost doubles for those in the sex-trade. We have a responsibility, according to SDG5 to reduce the demand that propels that trade.

SDG goal 8 Decent Work and Economic Growth: “Productive employment and “*decent work*” are key elements to achieving fair globalisation and poverty reduction”<sup>xxi</sup>. The provision of decent work is addressed by the three elements of the Nordic Model by ending demand for sexual exploitation, ensuring those exploited are not criminalised and by providing real alternatives.

SDG goal 10 Reduced Inequalities: “Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.”<sup>xxii</sup> Since the sex-trade disproportionately affects women in poverty, indigenous women and women of colour, equality of outcome is not compatible with prostitution considering the high levels of PTSD and violence inherent to the trade in sexual access to marginalised women as discussed above. Legalisation of the sex-trade fosters demand and grows the industry with the detrimental effects of the most vulnerable. Tackling demand through the Nordic Model has been shown to reduce exploitation and trafficking.

SDG Goal 16 Peace, Justice and Strong Institutions: ““End abuse, exploitation, trafficking and all forms of violence against and torture of children.”<sup>xxiii</sup> The Nordic Model has been shown to decrease trafficking, while decriminalisation has been shown to increase both legal and illegal trades. As well as the over-representation of indigenous women, the exploitation of children in prostitution has risen in New Zealand with the Prostitution Law Review Commission stating that “20% of street prostitutes and 8% of escort prostitutes are underage. Most coming from backgrounds of sexual abuse, drug taking and family dysfunction all abused drugs and most drank lots of alcohol when serving men.”<sup>xxiv</sup>

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

*CEDAW Article 5: States Parties shall take all appropriate measures: a. to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of*

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*prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.*<sup>xxv</sup>

Choice in prostitution belongs to the (usually male) buyer. This unequal power relation between men and women reflects a normalisation of sexual inequalities between men and women in wider society. Money replacing physical force as an instrument of coercion does not eliminate the fact that it is an act of sexual coercion. Prostitution does not exist in a vacuum. It represents a reiteration of patriarchal norms of male sexual primacy, entitlement, control over women's bodies and dangerous gender role stereotypes.

Prostitution reaffirms these inequalities in society as a whole, not just for the individuals involved. Sex buying men are more likely to accept rape-myths and are more likely to have accepting attitudes towards violence against women. Peer pressure among men and the disconnection that men must achieve in order to buy a woman for sex contribute to the development and reinforcing of these attitudes of acceptance.<sup>xxvi</sup>

Policy is not just about legislating; it is also an act of communicating and implementing social norms. Legalising the purchase of sex has, in every country that has attempted it, expanded both legal and illegal trades. Increases in the trade have led to increases in incidences of harm drawing a direct correlation between harm and the sex-trade. So called 'harm reduction models' have been complicit in increasing harm in the following ways:

- 400,000 women are now in prostitution in Germany, the vast majority poor women from abroad, with a linked exponential spike in sex trafficking.<sup>xxvii</sup>
- In 2007, the Dutch government closed approximately one third of the legal brothels in Amsterdam because of its inability to control traffickers and other organized crime.<sup>xxviii</sup>
- 35% of respondents to a survey in New Zealand reported in 2007 that they had been coerced to prostitute with a given "john" in the past 12 months.<sup>xxix</sup>
- Former Mayor of Amsterdam Job Cohen, recalled that in 2000, the Dutch legalised prostitution, intending to make the sex trade more transparent and protect women by giving them work permits. "We realize that this hasn't worked, that trafficking in women continues," he said. "Women are now moved around more, making police work more difficult."<sup>xxx</sup>
- An estimated 50 to 90 percent of women in legalised brothels were "working involuntarily." Based on these estimates, the Amsterdam legal brothel sector alone would "employ" 4,000 victims of human trafficking annually.<sup>xxxi</sup>
- Police in Victoria [Australia] estimate that there are 400 illegal brothels as against 100 legal ones<sup>xxxii</sup>. Trafficking in women and children from other countries has increased significantly. The legalisation of prostitution in some parts of Australia has thus resulted in a net growth of the industry. One of the results has been the trafficking in women and children to 'supply' legal and illegal brothels.<sup>xxxiii</sup>

## Conclusion

Money in exchange for sexual access is an instrument of sexual coercion, not consent. State sanctioning of that transaction is a statement of collusion with those who take advantage of structural, economic and social inequalities for the purposes of sexual exploitation and with those who profit from that exploitation. Reducing demand through the Nordic Model has been shown to

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disempower that instrument of coercion normatively and materially in both its frequency and intensity by reducing trafficking, abuse and the criminal viability of the sex-trade while offering genuine alternatives to those exploited in prostitution. It is the responsibility of both state and non-state actors, as well as international institutions to take a firm stand against the sexual objectification, commodification and exploitation of women (as shown in the statements referenced herein). It is essential that UN Women takes a lead role in this and officially adopts the Nordic Model as its prostitution policy.

For further reading and resources, please visit our White Ribbon blog: [www.whiteribbonblog.com](http://www.whiteribbonblog.com)

For the full Men's Development Network framework go to [www.mensdevelopmentnetwork.ie](http://www.mensdevelopmentnetwork.ie)

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<sup>i</sup> <http://www.thejournal.ie/prostitution-legislation-785085-Feb2013/>  
<http://www.sundayworld.com/news/crimedesk/irish-vice-trade-controlled-by-five-mobs>

<sup>ii</sup> [http://www.cap-international.org/uploads/4/0/6/7/40678459/cap\\_rj\\_va.pdf](http://www.cap-international.org/uploads/4/0/6/7/40678459/cap_rj_va.pdf)

<sup>iii</sup> <http://harvardcrcl.org/wp-content/uploads/2009/06/MacKinnon.pdf>

<sup>iv</sup> Farley M, Cotton A, Lynne J, Zumbek S, Spiwak F, Reyes ME, et al. Prostitution and trafficking in nine countries: an update on violence and posttraumatic stress disorder. *J Trauma Pract* 2003;2:33-74.

<sup>v</sup> <http://www.abolitionscotland.org/wp-content/uploads/2012/09/Keys-facts-to-help-with-submissions.pdf>

<sup>vi</sup> <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Swedish-evaluation-summary.pdf>

<sup>vii</sup> <http://www.abolitionscotland.org/wp-content/uploads/2012/09/Keys-facts-to-help-with-submissions.pdf>

<sup>viii</sup> <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Ekberg-The-Swedish-law-that-prohibits-the-purchase-of-sexual-services.pdf>

<sup>ix</sup> <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Ekberg-The-Swedish-law-that-prohibits-the-purchase-of-sexual-services.pdf>

<sup>x</sup> <http://www.osce.org/odihr/19223?download=true>

<sup>xi</sup> Post D, Legalization Of Prostitution Is A Violation Of Human Rights 68 Nat'l Law. *Guild Rev.* 65 2011

<sup>xii</sup> <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

<sup>xiii</sup> Post D, Legalization Of Prostitution Is A Violation Of Human Rights, *Nat'l Law. Guild Rev.* 65 2011

<sup>xiv</sup> *Yonsei Med J*, Symptoms of Posttraumatic Stress Disorder and Mental Health in Women Who Escaped Prostitution and Helping Activists in Shelters, 49(3):372 - 382, 2008

<sup>xv</sup> <http://harvardcrcl.org/wp-content/uploads/2009/06/MacKinnon.pdf>



<sup>xvi</sup> [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>xvii</sup> <http://www.abolitionscotland.org/wp-content/uploads/2012/09/Keys-facts-to-help-with-submissions.pdf>

<sup>xviii</sup> [http://www.un.org/sustainabledevelopment/wp-content/uploads/2016/08/1\\_Why-it-Matters\\_Poverty\\_2p.pdf](http://www.un.org/sustainabledevelopment/wp-content/uploads/2016/08/1_Why-it-Matters_Poverty_2p.pdf)

<sup>xix</sup> <http://www.un.org/sustainabledevelopment/education/>

<sup>xx</sup> <http://www.un.org/sustainabledevelopment/gender-equality/>

<sup>xxi</sup> <http://www.un.org/sustainabledevelopment/economic-growth/>

<sup>xxii</sup> <http://www.un.org/sustainabledevelopment/inequality/>

<sup>xxiii</sup> <http://www.un.org/sustainabledevelopment/peace-justice/>

<sup>xxiv</sup> <http://www.turnofftheredlight.ie/wp-content/uploads/2012/07/New-Zealand-Summary.pdf>

<sup>xxv</sup> <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

<sup>xxvi</sup> <http://www.prostitutionresearch.com/pdfs/Farleyetal2011ComparingSexBuyers.pdf>

<sup>xxvii</sup> [http://www.huffingtonpost.com/taina-bienaima/germany-wins-the-title-of\\_b\\_7446636.html](http://www.huffingtonpost.com/taina-bienaima/germany-wins-the-title-of_b_7446636.html)

<sup>xxviii</sup> <http://news.bbc.co.uk/2/hi/europe/7005768.stm>

<sup>xxix</sup> <http://www.prostitutionresearch.com/Report%20on%20NZ%2010-29-2008.pdf>

<sup>xxx</sup> [http://www.nytimes.com/2008/02/24/world/europe/24amsterdam.html?\\_r=2](http://www.nytimes.com/2008/02/24/world/europe/24amsterdam.html?_r=2)

<sup>xxxi</sup> <http://thesolutionsjournal.org/node/895>

<sup>xxxii</sup> <http://sisyphe.org/spip.php?article1596>

<sup>xxxiii</sup> <http://www.abolitionscotland.org/wp-content/uploads/2012/09/Keys-facts-to-help-with-submissions.pdf>

## Written Submission to UN Women

National Solidarity against Sexual Exploitation of Women

### **Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

Every human and every woman has the right to safe labor and the right to safe sex, as well as the right to be free from poverty without being prostituted. The state and the international community must strive to protect these rights. Prostitution/sex trade is a highly asymmetric and twisted form of 'feminized labor' which is created when violence against women is justified and women's rights in the labor market are ignored. Prostitution is both the result of gender based discrimination and a form of sexual exploitation of women. Nevertheless, patriarchal societies have normalized prostitution/sex trade as a means of living and pushed women into vulnerable circumstances.

In particular, South Korea has a history of colonization, national division, and U.S. military presence. Throughout this history, South Korean women have experienced military sexual slavery under the Japanese colonial government's legalized prostitution regime, and the forming of *kiji-chon* (red-light districts around U.S. military bases) in many regions of the country. As a developing third world nation, the South Korean government also has actively invited 'sex tourism' in the name of economic development. As a result, an enormous sex trade has formed. The size of prostitution in Republic of Korea (ROK) is at 24 trillion KRW (around 21 billion USD), which is among the largest in the world for its population. It accounts for 4.1% of the GDI (Gross Domestic Income), a greater number than its agriculture (2002). Unsurprisingly, as much as 56.7% of Korean men buy sex (2013).

ROK holds a peculiar place in the global prostitution market, as it is a source, transit, and destination country for sex trafficking. This is the result of the state's position on prostitution, which has not only tolerated and colluded in prostitution, but also actively promoted it. Even though the struggle of the women's movement brought about anti-sex trafficking legislation in 2004 to reduce the volume of the sex trade while protecting and supporting victims of prostitution, there is still a long way to go. Many survivors of prostitution and women's rights activists are still striving for women's right not to be prostituted.

### **Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

#### **a) Reproductive rights**

Prostituted women in ROK are faced with an extremely vulnerable situation in terms of reproductive rights, and this is closely connected to the fact that abortion is illegal in the country. Women who become pregnant during acts of prostitution cannot access safe and legal abortions. In addition to the law which criminalizes women who go through an artificial termination of pregnancy, the South Korean government declared abortion to be

an immoral medical practice and pre-announced legislation by which doctors performing illegal abortions will also face disadvantages. The deprivation of reproductive rights for prostituted women can be much worse. A significant amount of male sex buyers refuse to use condoms for 'better sexual sensation'. Women in prostitution are forced by their pimps to go through abortions and the cost of these procedures frequently becomes their debt. A 2006 study which interviewed 77 women in prostitution reported that 83% of them had been pregnant and that the majority had gotten illegal abortions.

### **b) Women's ownership of land and assets**

The reason most women enter, remain in, and fail to exit the system of prostitution is their economic deprivation and subordination. South Korean family law maintained an androcentric view until 2008, and even married daughters were not recognized as family members. Although the law has been reformed and is now less discriminative, the economic status of women has not improved much. Many women are forced to resign from work and experience an interruption in their careers when they get married or give birth. When they re-enter the labor market, they tend to become low-wage part-time workers or irregular workers. Understandably, the majority of women suffer from unstable labor conditions as well as a gender wage gap which is the largest among OECD countries. The spread of neoliberalism which aggravated feminization of poverty is accelerating subordination of women rather than expanding women's ownership of land and assets.

### **c) Building peaceful and inclusive societies**

South Korea's economic polarization as well as the general economic situation for women has continued to worsen since the major economic crises in 1997 and 2008. Yet the sex trade is growing larger everyday and the commodification of women's bodies is spreading. Female celebrities at the forefront of the K-POP craze are expected to have increasingly thinner bodies, and streets are flooded with advertisements for weight loss and plastic surgery. Societal control over women's bodies is so severe that most plastic surgeons advertise that they offer 'cosmetic surgery for job seekers'. Sexual exploitation of teenage girls is also a grave problem. Technological advances in electronic media like smartphone applications allow adult men to exploit teenage girls' sexuality with great ease. A peaceful and inclusive society is possible when gender equality has been achieved and women's rights are protected and realized. To help facilitate this vision, we are resisting and trying to dismantle the exploitative system of prostitution.

### **d) Ending the trafficking of women**

South Korea's Act on the Punishment of Acts of Arranging Sexual Traffic (a part of the anti-sex trafficking legislation of 2004) draws a distinction between "coercive" and "voluntary" prostitution, and protects women who have been coerced into prostitution as victims but penalizes those who are voluntarily involved or without intermediaries. However, women's rights activists who have met with and supported women in prostitution assert that there is no clear boundary between "coercive" and "voluntary" when it comes to prostitution. Most women in prostitution "chose" to enter the sex trade due to economic pressure. The debt called "advance payment" is used as an instrument for human trafficking through which the women are transferred around various sex-related businesses and even abroad regardless of their will. ROK is a peculiar country

in which a great number of women are trafficked abroad for sexual exploitation despite the country's economic advancement. South Korean women are trafficked into many different countries, including the U.S., Canada, Brazil, Japan, Australia, New Zealand, and Thailand. In a similar vein, women from the Philippines enter Korea on entertainment visas (E-6-2) to work in foreigner-exclusive clubs catering to men from American military bases. They sell juice, pay "bar fines" (dues to continue working in the club), and often act as if they are not in prostitution. The reality is, however, they need to engage in prostitution in order to pay these "bar fines." Despite these circumstances, ROK does not yet have a human trafficking statute that comports to the definition of human trafficking in the international community. Even when women are trafficked into the country for sexual exploitation contrary to their understanding at the time of entry, brokers and business owners are penalized as prostitution intermediaries instead of human traffickers, while women are perceived as criminals and deported to their countries of origin and not protected as victims. Such cases of human trafficking take place as a result of the widespread sex trade in South Korea. Without prostitution promoting the demand, there would be no need to use inhumane means to fill the supply.

### **e) Eliminating violence against women.**

Through our work in counseling and supporting prostituted women, we have learned that many engage in prostitution due to experiences of domestic violence and sexual assault, as well as the discriminative labor market. In addition, they experience verbal, emotional, and physical abuse from pimps and buyers. Such degradation and violence prevalent in prostitution leads these women to regard themselves as worthless beings. A recent survey (2016) reported that the percentage of prostituted women who attempt suicide is as high as 48%, which is 23 times that of the general public.

### **How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

At present, South Korea's anti-sex trafficking law penalizes everyone involved in prostitution, including pimps, venue providers, and sex buyers, as well as those who are prostituted. While the law offers protection and support to women who were coerced into prostitution, many women are submitted to penalization. As anti-prostitution activists, we argue that the best way to protect women from exploitation is to curb the demand for prostitution while decriminalizing all the victims, and are striving to amend the law. Furthermore, a comprehensive policy dismantling the androcentric culture of sexuality and putting a stop to practices justifying the trade and exploitation of women is required.

### **Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

We argue that the essence of prostitution is its gendered nature. We believe the claim that gender-neutral prostitution is possible is only a fantasy derived from a false assumption. Prostitution by itself poses harm, violence, and discrimination to women, and the rights of women not to be prostituted must be protected. In a society where the sex trade is condoned and/or normalized, the only right given to impoverished women is to choose between poverty and prostitution. Hence we support the Nordic Model which addresses demand as the driving force of prostitution and aims to suppress the industry by

curbing demand while supporting those who are prostituted due to the social structure which systematically discriminates them.



## Introduction

NAWO is an accredited member of ECOSOC, participates in the Women's Major Group, and regularly attends the Commission on the Status of Women. NAWO is concerned to ensure that the Sustainable Development Goals are achieved globally, including in the United Kingdom. In preparation for this submission, NAWO has consulted its membership of grass roots to expert women's organisations. NAWO has also met with and listened to survivors of prostitution.

Prostitution is found everywhere resting on a principle found nowhere in any human rights instrument and few legislative systems that entitles men to buy women<sup>1</sup> (or parts of them) to satisfy their own sexual desires and not hers. She needs the money he pays for her own survival and/or that of her children.

NAWO considers that women's empowerment, advancement and equality is undermined by the system of oppression and violence that is prostitution. NAWO opposes the description of the sex trade as 'work like any other'. There is no bright line between trafficking, of women, girls and boys, and prostitution. The market for those trafficked is prostitution. Predominantly male buyers provide the demand.

The sex industry, described as the fastest growing form of commerce, is a global criminal activity like the drug trade or the illicit sale of small arms and these are linked.<sup>2</sup>

### Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

- 1.1 The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the *Universal Declaration on Human Rights* (1948), has been reiterated in numerous international human rights conventions, declarations, and resolutions.
- 1.2. Specific principles relating to the rights of those involved in prostitution are set out in the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (1949) that established a link between trafficking and prostitution and advocated punishment for those who "procure, entice or lead" others into prostitution but does not judge or penalize the victims of trafficking and prostitution – i.e. the women selling. Until 1960, UN Conventions had no monitoring mechanisms, leading to poor implementation. But later conventions with regular monitoring have been more effective. **Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)** stipulates that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". And the 2000 'Palermo' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* makes 'trafficking for prostitution', **not simply for "forced" prostitution**,<sup>3</sup> a primary form of sexual exploitation.

<sup>1</sup> As UN Women states, prostitution is highly gendered. Men also may sell themselves as do trans-gendered persons, while the vast majority of those buying, pimping or otherwise profiting from the sale of women's bodies, are men. The buyer has the greater choice and holds the power in all transactions.

<sup>2</sup> "What makes this business unique is that women and girls sold into sex trafficking earn profits for their pimps and traffickers over a great number of years, unlike the profits earned from drugs and narcotics that are sold and used only once." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3651545/>

<sup>3</sup> The Beijing Platform for Action and other documents add 'forced' to prostitution to differentiate freely chosen from

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**WRITTEN SUBMISSION TO UN WOMEN'S Consultation on Prostitution, October 2016**  
**Contact: admin@nawo.org.uk**

- 1.3. Nothing within the Universal Declaration entitles any person or group to engage in any activity aimed at the destruction of another's rights or freedoms (Article 30 Universal Declaration on Human Rights)
- 1.4. Tension exists between the right to free choice of employment (Article 23 Universal Declaration on Human Rights) and the effect of that free choice insofar as it negatively affects others' rights or freedoms. For example, it would be uncontroversial to say that nobody is entitled to choose to employ themselves as a drug dealer, given the known human rights abuses and illegality consequent upon that trade.
- 1.5 It follows that a person's freedom to establish themselves in the sex trade must be set against the harms that the sex trade perpetrates upon others.
- 1.6. The majority of women in prostitution wish to exit<sup>4</sup>.
- 1.7. About 50% of women in the sex trade entered before they were eighteen and up to 95% of women in street prostitution are problematic drug users<sup>5</sup>.
- 1.8. Most organisations that work on the issue of all forms of men's violence against women and girls recognise prostitution as a form of violence (VAWG). As do a wide range of other organisations and government departments including the UK's Crown Prosecution Service<sup>6</sup>.
- 1.9. Women in poverty, women who have been in care and girls who are in care, women who have been in prison, migrant and indigenous women, learning disabled women, as well as those seeking to feed a drug or alcohol habit, are disproportionately involved in prostitution. This indicates that the least advantaged are the most affected. NAWO calls on the UN to ensure that these voices are heard through survivors' groups and outreach projects.
- 1.10. Disability rights activists have expressed disquiet at the ableism, which presupposes that this is the only way that disabled people can enjoy sexual relationships<sup>7</sup>.
- 1.11. Poverty is the major push factor driving women and girls into prostitution. Nobody should ever be in a position whereby her choices are poverty or prostitution. Such a choice is no choice at all and constitutes an assault on the dignity of the person in defiance of the primary goals of the Universal Declaration on Human Rights.

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coerced forms but NAWO considers most consent to prostitution is given within severe constraints, and stresses the need to consider the harms to a whole class rather than individual choices for financial gain (see 2.1 below).

<sup>4</sup> <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

<sup>5</sup> 'Paying the Price,' A Consultation Paper on Prostitution, Home Office 2004

<sup>6</sup> [http://www.cps.gov.uk/legal/p\\_to\\_r/prostitution\\_and\\_exploitation\\_of\\_prostitution/](http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/)

<sup>7</sup> <http://www.feministcurrent.com/2014/04/23/nobodys-entitled-to-sex-including-disabled-people/>

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights**
- b) women's ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

**2.1 Women's empowerment must be understood within the context of women achieving power as a class. It should not be viewed solely through the prism of individuals' financial gain.** There are numerous options, which may be lucrative for the individual but are disempowering for a group as a whole, and prostitution is one of these.

**2.2** Women are disproportionately affected by sexual violence. One factor behind this is male entitlement: the belief that financial expenditure entitles him to sex. This attitude feeds the cultural belief that males are superior to females, that their sexual desires are uncontrollable, must be satisfied, and are more important than those of women. These beliefs undermine goals for the advancement and equality of women and girls. The condoning of the purchase of consent for sex may also promote a 'rape culture'. Such a society can be neither peaceful nor inclusive. At worst, the legalisation of prostitution embeds and proselytizes such violence.

**2.3** NAWO seeks a model of sex and relationships in which the parties involved in sexual intercourse give free and enthusiastic consent, through mutual desire, and not because one party's reluctance can be overcome by financial consideration.

**2.4** Trafficking is defined by Article 3(a) of the Palermo Protocol as *"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the*

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*removal of organs”.*

2.5 It follows that where there is a “position of vulnerability” - *inter alia* poverty, insecurity of employment, debt, drug dependency – any third party who harbours or recruits a person for prostitution is involved in trafficking. Where under eighteens are involved, arguments for any such coercion, whether by threat or by circumstance, are unnecessary in condemning the exploitation.

2.6 Accordingly, NAWO is deeply opposed to legalisation or decriminalisation of “management” or pimping because there is no bright line between trafficking and pimping.

2.7 Sex buyers prioritise their desires ahead of the safety or security of those involved in prostitution. The demand for women's sexual consent, particularly that of young women, fuels abuses.<sup>8</sup> Where there is a market for prostitution, trafficking and violence will flourish. Where there is no market, traffickers and pimps will operate elsewhere (see 2.11 below).

2.8 In the UK, efforts to separate “consensual” adult prostitution from trafficked and child prostitution were made within s.47 and s.53A of the Sexual Offences Act 2003, which create the offences of purchasing sex from a child and purchasing sex from a trafficked woman respectively. There have been no prosecutions annually since 2012 under s.53A and fewer than ten under s.47<sup>9</sup>. This is a clear indication that the current legislation does not work. There is no way to end trafficking for prostitution, to end child prostitution and to end violence against women in prostitution unless demand for prostitution itself is ended.

2.9 This is further borne out by a comparison within England of the Leeds “red light zone” where decriminalisation was trialled against Ipswich where the Nordic model was trialled. In Leeds there were two rapes and a murder<sup>10</sup>. In Ipswich the Nordic model trial was a success<sup>11</sup>.

2.10 Looking abroad, a similar overview can be seen<sup>12</sup>:

2.10.1. In Germany there have been 55 murders of prostituted women by clients and 29 attempted murders since legalisation in 2002<sup>13</sup>.

2.10.2. In Denmark there have been 9 such murders since decriminalisation in 1999<sup>14</sup>.

2.10.3. In the Netherlands, 28 murders since legalisation in 2000<sup>15</sup>.

<sup>8</sup> NAWO does not accept that consent that is purchased is consent freely given. However, it is accepted that some - usually at the higher end of prostitution - will continue to seek to sell their bodies for sex; NAWO does not seek any criminalization of such action.

<sup>9</sup> [https://www.whatdotheyknow.com/request/arrests\\_prosecutions\\_under\\_s47\\_s#incoming-813307](https://www.whatdotheyknow.com/request/arrests_prosecutions_under_s47_s#incoming-813307)

<sup>10</sup> <http://www.newstatesman.com/politics/feminism/2016/01/death-daria-pionko-shows-there-no-safe-way-manage-prostitution>

<sup>11</sup> [https://ueaeprints.uea.ac.uk/55750/1/EVISSTA\\_paper.pdf](https://ueaeprints.uea.ac.uk/55750/1/EVISSTA_paper.pdf)

<sup>12</sup> There are countries that decriminalize all aspects of prostitution – buying and selling - but do not implement legalization, as in the legal setting up of managed brothels, and others that do both.

<sup>13</sup> <http://prostitutionresearch.com/wp-content/uploads/2015/10/Prostitution-in-Germany-Murders.pdf>.

<sup>14</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:dnk>

<sup>15</sup> <http://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>

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- 2.10.4. In New Zealand, at least 8 since decriminalisation<sup>16</sup>.
- 2.10.5. In Sweden, zero and Norway, one<sup>17</sup> since the implementation of the Nordic Model.
- 2.11 Across countries, trafficking is shown to reduce where the Nordic Model is implemented and to increase where buying sex is legal. For example in Denmark without this model there were four times the number of trafficking victims than in Sweden despite Denmark having only half the population of Sweden<sup>18</sup>.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

- 3.1 The 'Nordic Model' is tripartite, and applies to all persons involved in the sale or purchase of sex, designed to:
- 3.1.1. Decriminalise the sale of sex;
  - 3.1.2. Provide safe, adequate and meaningful exit programs;
  - 3.1.3. Criminalise the purchase of sex;
- 3.2 Decriminalisation of the sale of sex ensures that women are not the target of law enforcement measures. This should be supported with efforts to keep prostituted women out of the criminal justice system for ancillary offences such as drugs, soliciting, or anti-social behaviour. This in turn will reduce stigma and discrimination.
- 3.3 The second element of the model is central to its success and the most difficult to implement because it requires considerable and focussed resources. The purpose is to provide women with viable alternatives to prostitution if they wish to pursue them. When successful, the whole society progresses towards ending the poverty and stigma, which trap women in prostitution.
- 3.4 Criminalising the purchase places the legal and social responsibility for prostitution on those who have a real choice about their participation: the sex buyers. There is no human right to buy consent to use another person to satisfy sexual desire. Doing so enhances the sense of absolute power and control leading to demands and acts that are harmful, violent and even fatal for those bought.

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<sup>16</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:nz>

<sup>17</sup> <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:nor>

<sup>18</sup> <http://prostitutionresearch.com/wp-content/uploads/2014/03/LegalizedProstitution-Trafficking-Rel-2013WorldDevel.pdf>

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**Contact: [admin@nawo.org.uk](mailto:admin@nawo.org.uk)**

Please keep your response to the above questions to a maximum of 1,500 words in total. Your responses to the above questions will be very valuable for UN Women.

Please send your input to [consultation@unwomen.org](mailto:consultation@unwomen.org) by 16 October 2016 with the subject title "Written submission".

All emails should indicate:

- i) your name
- ii) organization and title, if relevant

In the interests of transparency, all submissions received will be posted online. If you do not want your submission to be posted for reasons of confidentiality or for any other reason, please note this on your response.

Groups or coalitions of stakeholders are welcome to contribute their views together. We are keen to hear from interested parties from across the world, in particular from the global south.

This work will feed into a policy paper that is expected to be made public in 2017.

Thank you for your time and for contributing to this work. Your contribution is valued.



Email: [admin@normac.org.au](mailto:admin@normac.org.au)  
 Website: [www.normac.org.au](http://www.normac.org.au)

Sunday 16<sup>th</sup> October 2016

UN WOMEN  
 405 EAST 42<sup>ND</sup> STREET  
 NEW YORK, NY 10017  
 UNITED STATES

Dear UN Women.

NorMAC (Nordic Model Australia Coalition) is a secular organisation directed by and for survivors of commercial sexual exploitation in Australia - a harmful cultural practice we seek to end.

We are responding to your consultation seeking views on UN Women's approach to sex work, the sex trade and prostitution.

**QUESTION 1) THE 2030 AGENDA COMMITS TO UNIVERSALITY, HUMAN RIGHTS AND LEAVING NOBODY BEHIND. HOW DO YOU INTERPRET THESE PRINCIPLES IN RELATION TO SEX WORK/TRADE OR PROSTITUTION?**

We appreciate the principles and their commitment to women and girls and also to '*End all forms of discrimination against all women and girls everywhere*' as well as seeking to '*Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.*'

Our only issue with the 2030 Agenda is that although it highlights trafficking, it fails to specifically refer to the trafficking of women and girls for the purposes of sexual servitude and prostitution.

Sexual servitude remains a huge problem internationally for women, and trafficking for the purposes of prostitution continues to target women on the basis of race, social status and economic circumstances.

We believe it is essential the UN continues to uphold the rights of those involved in prostitution, as set out in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

Other important documents recognising the connection between prostitution and trafficking include Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) which demands that '*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*'<sup>1</sup>

<sup>1</sup> [www.un.org/womenwatch/daw/cedaw/text/econvention.htm](http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm)



Email: [admin@normac.org.au](mailto:admin@normac.org.au)  
 Website: [www.normac.org.au](http://www.normac.org.au)

In the year 2000 the Palermo *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, made trafficking for prostitution - not simply for 'forced' prostitution - a primary form of sexual exploitation.

It is essential we do not allow prostitution of women to be reframed as a form of empowerment for those in prostitution. Coercion of women into the sex trade is a form of forced sexual servitude and many studies internationally have shown that women in the sex trade, even those who have supposedly chosen to be in prostitution, experience limited options and opportunities.

NorMAC is deeply concerned that recently a number of high profile human rights organisations and their spokespersons have become apologists for the sex trade. For example, Kenneth Roth, Executive Director of Human Rights Watch, posted the following comment on social media platform Twitter – *'All want to end poverty, but in the meantime why deny poor women the option of voluntary sex work?'*<sup>2</sup>

NorMAC's view is that a choice to enter prostitution based on poverty is not an informed choice and constitutes an assault on the dignity of women. The ongoing targeting of women by the sex trade continues to prevent women from full and effective participation at all levels of society, including decision making processes in political, economic and public life.

It is essential that UN Women recognises the important intersections between trafficking and prostitution as highlighted by many previous protocols and commitments. Any new policy addressing the sex trade should not set up a dichotomy where indigenous, migrant or marginalised women who are coerced into the sex trade due to discrimination and socio-economic disadvantage are re-badged as 'empowered' rather than exploited women.

**QUESTION 2) THE SUSTAINABLE DEVELOPMENT GOALS (SDGS) SET OUT TO ACHIEVE GENDER EQUALITY AND TO EMPOWER ALL WOMEN AND GIRLS. THE SDGS ALSO INCLUDE SEVERAL TARGETS PERTINENT TO WOMEN'S EMPOWERMENT, SUCH AS**

- A) REPRODUCTIVE RIGHTS
- B) WOMEN'S OWNERSHIP OF LAND AND ASSETS
- C) BUILDING PEACEFUL AND INCLUSIVE SOCIETIES
- D) ENDING THE TRAFFICKING OF WOMEN
- E) ELIMINATING VIOLENCE AGAINST WOMEN.

**HOW DO YOU SUGGEST THAT POLICIES ON SEX WORK/TRADE/PROSTITUTION CAN PROMOTE SUCH TARGETS AND OBJECTIVES?**

The best way to address the several target areas mentioned would be by means of legislation similar to the Swedish Kvinnofrid (Women's Peace/Security/Freedom) Law enacted in 1999 to address all forms of violence against women.

<sup>2</sup> <https://twitter.com/kenroth/status/630677061858930688>





Email: [admin@normac.org.au](mailto:admin@normac.org.au)  
 Website: [www.normac.org.au](http://www.normac.org.au)

It is no mere coincidence that three of the top four countries in the global gender equality rating are nations which have implemented prostitution legislation based on the 'Nordic Model' – a model that decriminalises prostituted persons while penalising profiteers (i.e. brothel owners and pimps) as well as sex buyers.

Having a caste of women set aside for the sexual service of males has a wider impact on men's attitudes to all women at all levels of society. This was echoed recently when Australian barrister, and human rights and refugee advocate, Julian Burnside AO QC stated, *'Prostitution affects all women because it affects the way men regard women'*.<sup>3</sup>

A study published in 2015 in the *Journal of Interpersonal Violence* co-authored by UCLA Professor Neil Malamuth profiled men who buy sex. It found a correlation between sexual purchase and other forms of sexual violence.

Professor Malamuth, a professor of communications studies and psychology, said – *'Our findings indicate that men who buy sex share certain key characteristics with men who are at risk for committing sexual aggression. Both groups tend to have a preference for impersonal sex, a fear of rejection by women, a history of having committed sexually aggressive acts and a hostile masculine self-identification. Those who buy sex, on average, have less empathy for women in prostitution and view them as intrinsically different from other women'*.<sup>4</sup>

Decriminalisation of the sex industry as a whole - a policy position that has been pursued by groups such as Amnesty International - will only further normalise gendered violence. It does nothing to challenge an industry dependent on maintaining a status quo where some persons – mainly women – are available for the sexual gratification of others – overwhelmingly men.

In the area of women's reproductive rights, consideration should be given to the rapid expansion of the human surrogacy industry. Poor, socially disadvantaged women are targeted and trafficked to provide surrogacy services where they are exploited, both financially and physically, for the benefit of others. Surrogacy arrangements have recently been opposed by groups such as the Parliamentary Assembly of the Council of Europe, which recently rejected a report that aimed to support and promote the regulation of 'altruistic' surrogacy among European countries.<sup>5</sup>

### QUESTION 3) THE SEX TRADE IS GENDERED. HOW BEST CAN WE PROTECT WOMEN IN THE TRADE FROM HARM, VIOLENCE, STIGMA AND DISCRIMINATION?

Women are disproportionately affected by sexual violence, including sexual violence perpetrated in the sex trade. The key factor behind this violence is male entitlement - men are the primary buyers of sexual services, and perpetrators of sexual violence.

<sup>3</sup> <https://twitter.com/julianburnside/status/506420274967748610?lang=en>

<sup>4</sup> <http://newsroom.ucla.edu/releases/men-who-buy-sex-have-much-in-common-with-sexually-coercive-men>

<sup>5</sup> <https://www.wya.net/press-release/advocacy-alert-council-of-europe-rejects-surrogacy/>



Email: [admin@normac.org.au](mailto:admin@normac.org.au)  
 Website: [www.normac.org.au](http://www.normac.org.au)

NorMAC speaks specifically from knowledge of Australia's prostitution legislation, which in states such as New South Wales has seen the adoption of a *laissez faire* approach to prostitution - the so-called 'decriminalisation' of the sex trade.

This approach has entrenched exploitation of prostituted persons, perpetuated stigmatisation and prevented real justice, support and compensation for those who wish to exit the sex trade.

The fully decriminalised sex trade in New South Wales has given rise to a number of significant problems, including the involvement of criminal gangs, ongoing exploitation of persons in prostitution, and an explosion in the number of illegal brothels. In response, the NSW government launched an inquiry into the regulation of brothels in 2015. A number of recommendations emerged from this inquiry, including the need for increased police powers and an increased police presence in matters relating to monitoring the sex trade.

It is a commonly held assumption that legalisation or decriminalisation of prostitution reduces stigma towards the women involved. However, in 2008 a report reviewing the New Zealand Prostitution Reform Act – which decriminalised prostitution – stated, '*This appears to have changed little post-decriminalisation. Stigmatisation plays a key role in non-reporting of incidents*'.<sup>6</sup>

By 2014 New Zealand's decriminalised approach to prostitution legislation had been in force for 10 years, but media reports were noting that violence and abuse of women in prostitution had remained a common occurrence in one of New Zealand's larger cities, Christchurch. New Zealand police officer, Detective Senior Sergeant Darryl Sweeney, has said that victimisation of prostitutes is commonplace but they are reluctant to report experiences of violence to police.<sup>7</sup>

NorMAC also recognises that the best response for people involved in the sale of sex is to give them the support they need to exit the industry. The Nordic Model has proven to be the most effective way to tackle the exploitation faced by women in the sex trade, as well as providing a legal framework where the onus of responsibility for that exploitation is put back on to buyers, and the profiteers of the sex trade.

This is essential given the difficulties encountered by persons working in a legalised or decriminalised sex trade when seeking justice for crimes such as forced sex, sex without a condom, or sexual use and abuse without monetary compensation – they are considered a theft of service rather than a sexual assault.

<sup>6</sup> <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf>

<sup>7</sup> <http://www.stuff.co.nz/national/crime/10200534/Sex-workers-deserve-protection>



Email: [admin@normac.org.au](mailto:admin@normac.org.au)  
 Website: [www.normac.org.au](http://www.normac.org.au)

Due to the ongoing sexual exploitation of individuals in the sex trade, NorMAC supports the removal of criminal sanctions against those who sell sex and recommends the Nordic Model of prostitution legislation. This model has been adopted in jurisdictions beyond Sweden, including Norway, Iceland, Northern Ireland, France and Canada, and is under consideration in many other jurisdictions including Israel, Lithuania and Scotland.

The Nordic Model views the prostitution of persons as a harmful, unacceptable cultural practice and recognises the following as key to addressing the exploitations of the sex trade –

- Decriminalisation is essential for all individuals who are paid for sexual services.
- There is an inherent inequality in verbal contracts for the purchase of sex.
- People who are harmed as a result of being bought for sex need to be compensated.
- People wanting to exit the sex industry need access to resources including health, housing, employment opportunities, education and social security.

The Nordic Model targets demand through laws aimed at dissuading buyers of sexual services. In Sweden, research has shown the vast majority of the population supports Nordic Model laws, and believes purchasing sex is a human rights violation. Laws against the purchase of sexual services have had a significant effect on attitudes towards the sex industry and have resulted in a reduction in the number of men wanting to purchase sex.

The success of the Nordic Model has seen it adopted as a best practice human rights model for many international organisations, including women's organisations.

In April 2014 the parliamentary assembly of the Council of Europe recognised the legitimate body of research backing the Nordic Model and voted in favour of the model. They called on member states to adopt the model as the best solution for reducing demand for prostitution and the trafficking of women and girls.

We appreciate this opportunity to contribute to your consultation and are willing to participate in any further avenues of inquiry you pursue.

Do not hesitate to contact us if you wish to discuss our concerns further.

Yours sincerely

Simone Watson,  
 Director for NorMAC

# Joint submission to the UN Women consultation on “sex work, the sex trade and prostitution”

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This is a joint submission from the following UK-based groups that work for women’s rights and development, and/or to resist the objectification of women and girls, and male violence against women and children. Information about the groups follows the responses to the questions.

1. Nordic Model Now!
2. White Ribbon Campaign UK
3. London Feminist Network
4. Not Buying It!
5. Scary Little Girls
6. Rooms of Our Own
7. A CALL TO MEN UK
8. Object
9. Campaign Against Sex Robots
10. Chelt Fems
11. Zero Option Sheffield
12. JURIES
13. End Online Misogyny
14. Yes Matters

## Terminology

We reject the terms “sex work” and “sex worker” because they confuse and obscure the reality.

“Sex work” covers activities from lap dancing and phone line “sex”, to the intimate contact of prostitution. Those who style themselves “sex workers” may not have experienced prostitution as such, but have dabbled in phone or dominatrix work, or be pimps or brothel keepers. Invariably these are the voices that dominate the debates, and even [determine policies](#),<sup>i</sup> and not the vulnerable and marginalised women and girls who are the majority in prostitution.

The term “sex work” suggests prostitution is service work, like waitressing. “Service” is [defined](#)<sup>ii</sup> as “the action of helping or doing work for someone.” Being paid to be penetrated, to endure a stranger ejaculating on you, and other core components of prostitution are not helping or active work. Rather it is being used as an object for someone else’s gratification. This is the brutal reality of prostitution – it is neither work nor service.

**Question 1: The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

The Agenda aims to ensure “all human beings can fulfil their potential in dignity and equality and in a healthy environment” and is based on international human rights (HR) treaties:

*“10. The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights (UDHR), international human rights treaties...”*

The protection of human dignity is a cornerstone of the UDHR and other HR treaties:

- The [1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution](#)<sup>iii</sup> states 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 and endanger the welfare of the individual, the family and the community.”
- Article 6 of [CEDAW](#)<sup>iv</sup> explicitly prohibits the exploitation of prostitution of women:

*“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”*

- The [Palermo Protocol](#)<sup>v</sup> asserts an obligation to address the poverty and inequality that make women and children vulnerable to trafficking **and** to address the demand for prostitution that drives sex trafficking. It also makes clear that the essential feature of sex trafficking is third-party involvement in someone else’s prostitution and that consent is irrelevant when the person is under 18 or when any of the following means have been used:

*“threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”*

These treaties consider prostitution a violation of the human rights of the individual and of all women to equality with men. Moreover the prohibition of the “exploitation of the prostitution” of another implicitly prohibits pimping, procuring and brothel keeping – key aspects of the sex trade.

Evidence supports the harms of prostitution. For example:

- A [study conducted by UCL](#)<sup>vi</sup> found that “violence is a prominent feature in the lives of sex workers in almost all sex work settings”; “a single year of engagement in sex work is likely to have the same impact on mental health as an entire life of experiences prior to

involvement in sex work”; and “Social exclusion is the leading cause of entrance into sex work and **exclusion is often deepened** as a result of engaging in sex work.”

- A [UN multi-country study](#)<sup>vii</sup> found that men perpetrating rape of non-partners and/or violence against intimate partners are associated with prostitution buying. Studies of [prostitution buyers](#)<sup>viii</sup> have found they are more likely to commit rape and other aggressive sexual acts. In addition, the contempt they have for women is born out by [survivor testimony](#)<sup>ix</sup> and [research on punter forums](#).<sup>x</sup>

Prostitution involves a series of male strangers penetrating the woman’s vagina and anus, often with violent and prolonged thrusting. This can lead to infection with HIV and other STIs and injuries to the reproductive and other internal organs, which can cause sterility, problems in pregnancy, and long-term ill-health.

Since **prostitution itself** causes harm, positioning “voluntary” prostitution as fundamentally different from forced prostitution is misguided. Any policy that legitimises or normalises prostitution inevitably leads to its increase, and therefore causes more women and girls to be “left behind,” more male violence against women and girls (MVAWG), and deeper gender inequality.

The treaties underpinning the 2030 Agenda place **binding obligations** on UN Women, as a UN agency, to oppose any trivialisation of prostitution and to work towards its elimination. To comply with these obligations, UN Women therefore has a duty to:

- a. Avoid using the terms “sex work” and “sex worker” because they trivialise and normalise abuse.
- b. Oppose decriminalising pimping, procuring, and brothel keeping.
- c. Oppose criminalising prostituted persons.
- d. Support criminalising prostitution buyers.

**Question 2: The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as a) reproductive rights b) women’s ownership of land and assets c) building peaceful and inclusive societies d) ending the trafficking of women e) eliminating violence against women. How do you suggest that policies on sex work/trade/ prostitution can promote such targets and objectives?**

Prostitution, whether forced or “voluntary,” is harmful to the individual, contributes to MVAWG generally, and tends to entrench individual women’s disadvantage and all women’s inequality. Any policy that legitimises prostitution leads to its increase and works against the SDGs.

SDG 8 calls for **decent work** for women (8.5) and safe and secure working environments for all with particular attention to women migrants (8.8). Page 33 of the UN Secretary General's [Leave No one Behind](#)<sup>xi</sup> report defines **decent work** as follows:

*“productive work for women and men in conditions of freedom, equity, security and human dignity. Decent work involves opportunities for productive work, delivers a fair income, guarantees equal opportunities and equal treatment for all, provides security in the workplace and protection for workers and their families, offers better prospects for personal development and social inclusion...”*

Prostitution, whether forced or “voluntary,” cannot fit this definition of decent work.

Sex trafficking is driven by the vast profits that can be made because ordinary men pay to buy women and girls for sex, and legislation against it is often ineffective. Even under [legalised regimes](#),<sup>xii</sup> ruthless organised criminal gangs control large swathes of the sex industry. This is also true [in the UK](#)<sup>xiii</sup> where enforcement of laws against pimping and brothel keeping is lax.

We support the conclusions of the European Parliament study on [Prostitution and its Impact on Gender Equality](#)<sup>xiv</sup> that laws against sex buying that rely on consent are ineffective; the notion of vulnerability should be treated in a wide sense when assessing whether victims meet the definition of trafficking; and the definition of vulnerability should include poverty and deprivation.

We therefore believe that UN Women policies must conform to the points set out in response to Question 1 and call for:

- i. Legislation against trafficking that conforms to the Palermo Protocol.
- ii. Pimping, procuring, and brothel keeping to be criminalised and effectively policed, with penalties that reflect the harm they cause.
- iii. Prostituted persons to be decriminalised and provided with well-funded holistic services to help them exit.
- iv. Measures to address women's poverty and inequality, including equal education and decent, safe, healthy and productive employment.
- v. Prostitution buyers to be criminalised and effectively policed to reduce the demand that leads to sex trafficking.
- vi. Public education about the harms of prostitution.



**Question 3: The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

We reject UNAIDS’ advice that decriminalising the entire sex trade is the best way to ensure prostituted persons have access to healthcare and support:

- We note that Alejandra Gil, Vice President of the Global Network of Sex Work Projects (NSWP) has been [jailed for 15 years for sex trafficking](#)<sup>xv</sup> and that the NSWP under her leadership was appointed co-chair of UNAIDS and advised on its policy. We believe that this alone justifies UNAIDS revisiting its policy.
- Evidence from [New Zealand](#)<sup>xvi</sup> and [Germany](#)<sup>xvii</sup> suggests that **in practice** full decriminalisation of the sex trade **reduces** the negotiating position of the woman and therefore makes the use of condoms less, not more, likely.
- Decriminalising the entire sex trade legitimises prostitution and therefore [increases](#)<sup>xviii</sup> the amount that takes place and the number of women and girls being drawn into and harmed by it.

Prostituted persons should be decriminalised and afforded full access to healthcare, justice, support and condoms. While condoms reduce the risk of transmission of infections, they do not stop the other physical and mental health risks associated with prostitution.

Prostitution can never be safe (regardless where it takes place) or meet the definition of “decent work.” Therefore efforts must be focused on reducing prostitution; providing services to help those in it to build a life outside; addressing women and children’s poverty; and ensuring that education and decent employment is available to women.

Research in [Norway](#)<sup>xix</sup> and [Sweden](#)<sup>xx</sup> shows that the [Nordic Model](#)<sup>xxi</sup> has reduced human trafficking and the amount of prostitution, with a [decrease in violence](#)<sup>xxii</sup> against the women. It has therefore reduced the harm overall.

The stigma associated with prostitution is intrinsic to its nature – so the best way to eradicate stigma is to eradicate the practice itself.



## About the groups making this submission



### Nordic Model Now!

A grass-roots group campaigning for the abolition of prostitution and the adoption of the Nordic Model approach to prostitution in the UK. The group is made up of women from a variety of backgrounds and includes survivors of prostitution and child sexual exploitation, academics, journalists and teachers.

<http://nordicmodelnow.org/> | [@nordicmodelnow](https://twitter.com/nordicmodelnow) | [/nordicmodelnow](https://www.facebook.com/nordicmodelnow)



### White Ribbon Campaign (UK)

Men challenging and speaking out about male violence against women and girls.

[www.whiteribboncampaign.co.uk](http://www.whiteribboncampaign.co.uk) | [@menantiviolence](https://twitter.com/menantiviolence)



### London Feminist Network

A women only group that works with other groups to increase women's resistance to male violence against women in all its forms including pornography and prostitution. We also organise our own campaigns such the London Reclaim The Night march against rape and male violence.

<http://londonfeministnetwork.org.uk/> | [@LDNfeminist](https://twitter.com/LDNfeminist)



### NOT BUYING IT!

A UK-based group that challenges the objectification of women in the media and general culture.

[www.notbuyingit.org.uk](http://www.notbuyingit.org.uk) | [@not\\_buyingit](https://twitter.com/not_buyingit)



### **Rooms of Our Own**

Rooms of our Own seeks to provide safe, affordable and accessible space for women's organisations.

[roomso4own.wordpress.com](http://roomso4own.wordpress.com) | [@roomso4own](https://twitter.com/roomso4own)

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### **Scary Little Girls**

Scary Little Girls is an artist-lead theatre company that promotes the artistic work of women in all aspects of theatrical story-telling.

<http://www.scarylittlegirls.co.uk> | [@ScaryLittleGs](https://twitter.com/ScaryLittleGs)

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### **A CALL TO MEN UK**

A CALL TO MEN UK seeks to actively engage boys and men in ending male violence against women and girls and creating a more respectful, safer society for all in the process.

<http://acalltomenuk.org.uk/> | [@ACallToMenUK](https://twitter.com/ACallToMenUK)

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### **Object**

Working for better representation of women and girls in the media, and against sex object culture.

<http://objectupdate.tumblr.com/> | [@ObjectUpdate](https://twitter.com/ObjectUpdate)

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### **Campaign against Sex Robots**

A non-profit group against the development of robotic technologies shaped by inequalities and objectification of women & children.

<http://campaignagainstsexrobots.org/> | [@RobotCampaign](https://twitter.com/RobotCampaign)

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### **Chelt Fems**

Chelt Fems is a feminist campaign group. We exist to challenge the gender-based discrimination experienced by women and girls and are proud to support the Nordic Model.

<http://www.cheltfems.org.uk/> | [@chelt\\_fems](#)

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### **Zero Option Sheffield**

Campaigning to make Sheffield strip club free.

<http://zerooptionblog.wordpress.com/> | [@ZeroOption4Shef](#)

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### **JURIES**

A campaign to introduce mandatory juror briefings on rape myths and realities in all rape, sexual assault and childhood sexual abuse trials.

<http://juriesunderstandingsv.wordpress.com/> | [@UnderstandingSV](#)

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### **End Online Misogyny**

A campaign to highlight the widespread and violent nature of online violence against women and girls.

<http://www.endmisogyny.org/> | [@misogyny\\_online](#)

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### **Yes Matters**

Campaign and workshops to tackle lack of knowledge around consent, the effects of sexual objectification and the damage of gender stereotypes.

<http://www.yes-matters.co.uk/> | [@YesMattersUK](#)

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## Written statement by the Portuguese Platform for Women's Rights

### Question 1)

Transforming our world and strengthening universal peace and freedom through the empowerment of women and girls everywhere and ensuring a life free from all forms of violence against women, are indispensable requirements for a tangible sustainable development. We now have around 15 years to achieve the Sustainable Development Goals (SDG), in which gender equality and the empowerment of women and girls are not just a stand-alone goal but a cross-cutting issue present in all SDGs.

All people involved in the system of prostitution are subjects of human rights and should not be left behind, particularly women and children in prostitution. The 2030 Agenda is based on the fundamental principles of human rights, their protection and promotion. This means that the system of prostitution can, in no way, be considered in line with the Agenda.

While forced prostitution, as well as human trafficking that is often linked, are clearly perceived as human rights violations in line with human rights instruments, including CEDAW, prostitution is sometimes deemed a personal option. But poverty and being exposed to extreme violence (prior, during and even after being in the system of prostitution) is not a personal choice; is a consequence of the world's inequalities and discriminations based on sex, age, race, country and place of origin, migrant status, habitation and economic status, education and professional status, disabilities, etc. Selling of one's own body for money and for someone else's enjoyment and exploitation cannot be considered as a matter based on a human rights approach.

In fact, the legal position of the international community about the system of prostitution is specifically expressed in Article 6 of CEDAW, which commits State Parties to the suppression of all forms of traffic in women and exploitation of prostitution, directly or indirectly. This standard must apply for a broader interpretation of trafficking and sexual exploitation of women and children.

#### No State Party of the CEDAW can:

- Promote, by act or omission, the conditions for any form of trafficking and sexual exploitation involving the prostitution of women, and should not, particularly, create an environment that enables such exploitation;
- recognize, by any legal means, the prostituted person as an independent professional status, as this would facilitate not suppress trafficking and exploitation of prostitution, or accord professional status to other agents, particularly pimps, since this would be a form of exploitation of prostitution by the intended employer, which, in both cases, would imply the State to violate Article 6 of the CEDAW.



In fact, any person or ‘company’, formal or informal entity whose business is to provide people for sexual services in return for money, including through trafficking of these people, **can only expect that any State Party to CEDAW should attempt to terminate such a business, in compliance with its obligation to take all appropriate measures, including legislation, to suppress such activities**, while respecting the human rights of people involved.

To ground the political response to the system of prostitution on the international standards that guide UN Women’s work and an international human rights framework - including the Convention on the Elimination of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the 2030 Agenda for Sustainable Development – is the way forward to achieve the target n. 5.2 - Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, including prostitution. This is no time to go back; instead, it is time to move forward in order to fulfill the SDG by 2030.

### Question 2)

Serious research, thinking and democratic debate are essential to make clear how negative for women the system of prostitution is. What does research tell us?

It estimates that worldwide there are 40 to 42 million persons in prostitution. 80% of them are women with an age range 13-25 and in Brazil 250,000 are children. In India, clients pay \$1,000 for sex with a virgin and \$1 for sex with an adult. 90% of all prostituted persons are dependent on a pimp. One of the reasons why prostituted persons are so young is based on the fact that even where prostitution is legal the risk and violence that prostituted persons face is frequent and deadly.

According to Prostitution Research:

- 70-95% of prostituted persons experience physical assault during their activities.
- 60-75% of prostituted persons are raped while undertaking their activities.
- 95% of prostituted persons experience sexual harassment that in other industries would result in legal action.
- Women who are prostituted persons are raped 8-10 times each year on average.
- Prostituted persons and those who had managed to leave the industry faced an increased rate of death that was 200 times the rate of death for women of the same race and age range.
- In a 2004 study, the mortality rate for prostituted persons was 391 per 100,000 people and active prostituted persons have a mortality rate of 459 per 100,000 people.
- Plus, findings from various studies show that half of clients continue to buy sex irrespective of clear indications that the prostituted persons are under 18 years of age.

The claim that “sex work” is just another form of work seems clearly untenable given these and other similar indicators. In what other line of work do its workers endure such appalling hardship?



The aims targeted in the 2030 Agenda are totally incompatible with the existence of the system of prostitution, as these realities are intrinsically part of the system that enables it; and women's reproductive rights are certainly not fully respected when their own bodies are used as objects. Peaceful and inclusive societies are not built upon exploitation and humiliation.

If sexual and reproductive rights are to be achieved everywhere, States must provide information, services and specific social support, and, in the case of adolescents, free from family, cultural or religious coercion, as appropriate to counteract the socially constructed gender roles that impede the achievement of substantive equality between women and men.

Women's ownership of land and assets will be a reality when economical and financial inequalities, including gender pay gap, are tackled with real and concrete political – public and private – measures all across the world, in association with ending sexual and moral harassment (direct, indirect, and perceived) in all spheres of life.

Ending the trafficking of women will only succeed if the demand for women in relation to sexual exploitation and to the system of prostitution is stopped. This implies the criminalization of pimps and clients. The hypocrite refusal by all people, States and organizations in combating gender stereotypes - in particular those that depict women as commodities permanently available to men - must be fully tackled with concrete, impacting and transformative policies.

And we will only be able to eliminate all forms of violence against women when we suppress the system of prostitution, sexual exploitation and trafficking of human beings, in particular women and children. The system of prostitution is the ultimate expression of the extreme male violence towards women and children. No State will accomplish the elimination of violence against women if it persists on the reinforcement of the commodification of the human body.



### Question 3)

According to the European Parliament report 2014, the number of prostituted persons in Germany is estimated at 400 000, but only 44 prostitutes are officially registered with the social welfare agencies following the 2002 law legalising prostitution; and there are no viable indications that this law has reduced crime – in fact, 1/3 of German prosecutors have noted that legalising prostitution has ‘made their work in prosecuting trafficking in human beings and pimping more difficult’.

It must be a global, concerted and holistic response. Legal provisions and their strict application penalizing those that promote and benefit from sex trade and prostitution, namely pimps and clients, together with promotion of social awareness of the real meaning of such activities, education and information of women and men starting from school, media involvement and above all, political commitment to respect, defend and promote human rights.

For those women already involved in such networks, special support programs are necessary, including safe houses to allow them the possibility of escaping from the networks and its supporters, as well as legal and social support, professional training to rebuild their lives, etc.

**The best way to protect women and children from sexual exploitation is to promote the so-called Nordic Model.** It recognizes prostitution as a form of violence, makes the purchase of sex acts illegal, regards prostituted persons as victims rather than criminals, and provides exit programs to the victims. It proves to be effective in reducing the demand for paid sexual services, threatening the profits of those who traffic in human beings for personal gain, and making equality between women and men a reality by decreasing sexual violence against women and increasing safety and protection for women.

### Subscribers:

- Association of Women Against Violence (AMCV) | Associação de Mulheres Contra a Violência
- Portuguese Network of Young People for Gender Equality (REDE) | REDE Portuguesa de Jovens para a Igualdade entre Mulheres e Homens
- Alliance for Parity Democracy (ADP) | Aliança para a Democracia Paritária
- Association of Women 21st Century | Associação de Mulheres Séc. XXI
- Association for the Advancement of Portuguese Gypsy Women (AMUCIP) | Associação para o Desenvolvimento das Mulheres Ciganas Portuguesas
- Association for Women in Cape Verdean Diaspora in Portugal (AMCDP) | Associação de Mulheres Caboverdeanas na Diáspora em Portugal
- Association Mén Non - Women of Sao Tome & Prince in Portugal | Associação Mén Non - Associação de Mulheres de São Tomé e Príncipe em Portugal
- Portuguese Women's Studies Association (APEM) | APEM - Portuguese Association of Women's Studies
- Girls of Odivelas - Association | Meninas de Odivelas - Associação
- Coolabora | Coolabora





- EOS - Association of Studies, Cooperation and Development | EOS - Associação de Estudos, Cooperação e Desenvolvimento
- Portuguese Association for Woman's Rights in Pregnancy and Deliver (APDMGP) | Associação Portuguesa para os Direitos das Mulheres na Gravidez e no Parto
- Foundation Caring for the Future | Fundação Cuidar o Futuro
- Equality Question – Ass. for Social Innovation | Questão de Igualdade - Associação para a Inovação Social
- Cooperative SEIES | Cooperativa SEIES
- Association Women without Borders | Associação Mulheres Sem Fronteiras
- Association Project to Raise | Associação Projeto Criar

16 October 2016

## PROSTITUTION RESEARCH & EDUCATION

Response to "Consultation seeking views on UN Women's approach to sex work, the sex trade and prostitution" [consultation@unwomen.org](mailto:consultation@unwomen.org)

Prostitution Research & Education, US-based NGO

Melissa Farley, Ph.D., Executive Director <[mfarley@prostitutionresearch.com](mailto:mfarley@prostitutionresearch.com)>

October 31, 2016

Prostitution Research & Education's goal has been to reflect the voices of those engaged in prostitution and those who have escaped it. This response is based on 20 years of research on the sex trade. We have produced 39 peer-reviewed publications and additional reports. Many of these publications and also others' research are posted at [www.prostitutionresearch.com](http://www.prostitutionresearch.com).

1. UN Women has asked how "universality, human rights, and leaving nobody behind" can be interpreted with respect to prostitution and the sex trade.

Over the last decades, UN Women has aligned with groups that leave women in prostitution behind. For example, Eliana Gil who presented herself as a sex worker advocate, was an advisor to UN Women, UN AIDS, and was a member of Global Network of Sex Work Projects (GNSWP and many other groups are funded by prostitution legalization advocate George Soros). Gil was convicted in 2015 of trafficking at least 200 women in Mexico City. UN Women has relied almost exclusively on the allegations of sex worker advocates and sex worker unions to understand prostitution. This is a mistake. Many of these groups are not what they seem to be. They tend to represent pimps' interests far more than the interests of those in prostitution. Gil was no exception. For names of others presenting themselves as sex worker advocates but who in reality function as managers or pimps, please see [logosjournal.com/2016/farley-2/](http://logosjournal.com/2016/farley-2/)

Autumn Burris describes herself as a survivor of sexual exploitation. She is a member of the group SPACE, an international group who are survivors of prostitution. UN Women deleted Burris's own words and replaced them with "sex worker." The language and the ideology of prostitution as work is so strongly embedded in UN Women as an organization that it took Burris 11 months to convince UN Women to change their definition of her as a "sex worker" on the UN Women website. This is problematic.

Harm reduction programs notwithstanding, the existence of the institution of prostitution is an abandonment of the most vulnerable women in any culture. Prostitution is the business of sexual exploitation. It could not exist without gender, race, and class inequalities, because the sex trade exploits these inequalities in order to funnel women into its businesses. Yet some pimps, some sex buyers, and some governments have made the decision that it is reasonable to expect certain women to permit ten men a day to sexually exploit or assault them in prostitution in order to survive.

We need a deeper understanding of how coercion operates in women's lives. The naive or perhaps sinister assumption of "consent" or "choice" is disturbing. A sex buyer said, "If I don't see a chain on her leg, I assume she's made the choice to be there." If there's no evidence of force, then her experience is dismissed as voluntary or consenting. In Lusaka in 1996, the unemployment rate was very high. The triple cage of sexism, poverty, and racism resulted in poor men's selling pencils and washing car windshields, but women's last-ditch survival response was prostitution. A woman in Lusaka said that she needed to perform 5 blowjobs which would earn just enough for a bag of mealy meal for her

children to eat that evening. She described herself as a "voluntary sex worker." Nothing could be farther from the truth. She was coerced into prostitution by poverty, sexism, and centuries of colonial racism.

The question is not whether women should have the choice to prostitute. The question is whether women should have the right NOT to prostitute. Most people in prostitution want to escape it but can't find sustainable jobs. Legal prostitution is not a real choice because the conditions that permit genuine consent are not present: physical safety, equal power with buyers and real alternatives.

2. UN Women asked, how can prostitution policies promote reproductive rights, women's ownership of land and assets, inclusive societies, ending trafficking and ending violence against women.

The United Nations has issued many reports on the risks for women of civil conflict, migration, poverty, and gender inequality. It is time to understand and act upon the fact that gender justice, human rights and climate justice are inseparable. They must be addressed in tandem or they are likely to fail. According to a 2016 Oxfam report, the global 1 percent now owns as much wealth as the bottom 99 percent. How can UN Women today align itself with and stand up for the human rights of the world's women who are driven into prostitution by these inequalities?

Extractivism is a dominance-based relationship with the earth. It's the mentality of the mountaintop remover and the old growth clear-cutter, according to Naomi Klein. But this neocolonial commodification of everything and everyone is also the mentality of the sex buyer. To quote three sex buyers from three countries, "I use them like I might use any other amenity, a restaurant, or a public convenience," and "I was buying a product they were just whores," and "Prostitution is where men have the freedom to do anything they want in a consequence-free environment."

Justice for women, inclusive societies, and women's access to land will not be achieved as long as an underclass of women available for men's sexual use exists. It is necessary to abolish the institution of prostitution and offer alternatives to prostitution to the women in it. Most women want escape, and will gladly tell us what they want instead of prostitution. For example, despite millions of dollars and billions of free condoms poured into the Sonagachi prostitution complex in Kolkata, women prostituting there have not obtained even a small portion of what they have said that they want: housing, a small plot of land, and small shops where they can survive without prostitution. Instead, free condoms from big pharma are commandeered by pimps who then sell them to desperately poor women. And the prostituted women have bank accounts "managed" by pimps rather than a small piece of property that they can farm.

3. UN Women asked, "How can women in the sex trade be protected from stigma, violence, harm, & discrimination?"

They can't be protected from these harms. The institution of prostitution is so corrupt, so violent that it can't be fixed. It must be abolished. There is now much empirical data showing that whatever its legal status, prostitution is connected with violence. A sex buyer described prostitution as "renting an organ for 10 minutes." Women in prostitution tell us that this makes them feel like "toilets." This dehumanization by sex buyers has devastating effects. Symptoms of emotional distress in all prostitution are off the charts: depression, suicidality, posttraumatic stress disorder, dissociation, substance abuse, eating disorders. Anyone in prostitution would likely suffer similar effects, the same way that combat veterans, battered women, incest survivors, and survivors of state-sponsored torture suffer similar mental consequences of deliberate human cruelty.

There is no evidence that legal or decriminalized prostitution protects women from stigma or harm. Since legalization, trafficking and organized crime have exploded in Germany and the

Netherlands. In these legal prostitution zones, 80% of those prostituted are trafficked by organized criminals. Decriminalization in New Zealand - a zoned form of legalization - has not decreased the coercive control of pimps, has not decreased the stigma of prostitution, and has not resulted in increased reporting of crimes to police.

Prostitution and trafficking are not the same thing but pimping and trafficking are the same thing. We reviewed 18 studies about pimping and trafficking in Europe and North America. On average, 84% of adults in prostitution were under the control of a pimp or trafficker. Supporting these research studies and reports, Sigma Huda, previously the UN Special Rapporteur on Violence against Women and Children said that "most of the time, prostitution meets the legal definition of trafficking."

Violence against women has been connected to attitudes that promote men's beliefs that they are entitled to sexual access to women, are superior to women, and are licensed as sexual aggressors. Once paid for in prostitution, exploitation, abuse, and rape are disappeared. A number of researchers have found that sex buyers are more likely than other men to commit sexual violence. For example, Heilman interviewed 1000 men each in Chile, Croatia, India, Mexico, and Rwanda. In all five countries men who bought sex were more likely to commit rape. In Scotland we found that the more often a sex buyer used women in prostitution, the more likely he was to have committed sexually coercive acts against non-prostituting women. We discovered that men who buy sex share a number of attitudes and behaviors with men who are at high risk for being sexually aggressive.

The existence of prostitution anywhere is society's betrayal of women and its betrayal of those who are marginalized and vulnerable because of their sex, their ethnicity, their poverty, and their history of abuse and neglect. A forced choice between poverty and prostitution should not be women's only choices. A lack of shelter, food and income do not permit consent as most of us understand that concept. The Palermo Protocol recognizes that consent is irrelevant to an understanding of the harm of prostitution. The Nordic-French laws are currently the best available laws on prostitution to protect the prostituted and make perpetrators of harm accountable.

Will UN Women re-align its mission to stand up for some of the most vulnerable women on earth, including exited survivors of prostitution? Or will UN Women align with pimps, sex businessmen and women, and the sex buyers who smile in the background? Will UN women address the international scandal of so-called "sex worker unions" who often viciously silence the voices of the 90% in prostitution who are asking for our support?

## UN WOMEN CONSULTATION ON HUMAN RIGHTS AND SEX WORK, THE SEX TRADE AND PROSTITUTION: A CANADIAN PERSPECTIVE

(Sent to [consultation@unwomen.org](mailto:consultation@unwomen.org))

Submitted September 26, 2016 by

**Jeanne Sarson, MEd, BScN, RN and Linda MacDonald, MEd, BN, RN**

### A FORMAL CONSULTATION PERIOD WITH A FOCUS ON THE FOLLOWING THREE QUESTIONS

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls.

The SDGs also include several targets pertinent to women's empowerment, such as:

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

#### Contact information:

Persons Against Non-State Torture (NST) | Web: [www.nonstatetorture.org](http://www.nonstatetorture.org)

General email contact: [contact@nonstatetorture.org](mailto:contact@nonstatetorture.org)

Phone | Fax: 1-902-895-6659

Mail: 361 Prince Street, Truro, NS, Canada, B2N 1E4

**RESPONDING TO QUESTION 1**

Utilizing the principles of “universality, human rights and leaving no one behind” in relation to “sex work/trade or prostitution” must not begin with women, or young women over 18 years of age; it must begin with the girl infant. “Sex work/trade or prostitution” is generally spoken of from an adult-based perspective ignoring that in a patriarchal dominated social world sexism and misogyny are fundamental foundations to the global inequality of women, as are misopedia and *childism* fundamental to the inequality of the girl child. Misopedia and childism are discriminatory biases clearly evident in UN Women question number 2. It declares that the “SDGs set out to achieve gender equality and to empower all women and girls” then immediately eliminates and invisibilizes the girl child from question 2, (a) to (e) statements. In particular, these two statements must read d) ending the trafficking of women *and girls* and e) eliminating violence against women *and girls*, if UN Women is serious about “leaving nobody behind” and upholding the universal human right principle of equality for girls. The exclusion of the chronic sexualized victimization inflicted against the girl child trafficked, conditioned, prostituted, or born into “sex work/trade or prostitution” will reinforce a destructive discriminatory perspective that will shape their future of inequality, objectification, and dehumanization, shaping a ‘no way out’ of “sex work/trade or prostitution”; this becomes a gendered place in society for adult women, the majority having endured chronic sexualized victimizations as girls.

**RESPONDING TO QUESTION 2, particularly to items d-e**

As previously stated in question 1, the following two points (d) “ending the trafficking of women” and (e) “eliminating violence against women” must be discussed from the non-discriminatory human rights SDGs perspective that is inclusive of the girl child, otherwise, we would be willfully responding dishonestly when addressing UN Women’s questions on “sex work/trade or prostitution”. We are into our 24<sup>th</sup> year of focused professional work identifying that non-State torture is suffered by exploited girls of all ages prior to ‘becoming’ the legal age of 18 and presumed capable of making an informed choice when “sex work/trade or prostitution” victimization is all they know.

Following are six questions with ‘simple’ answers we have professional insights on, in that human trafficking for sexualized exploitation or ‘prostitution’ can and does involve the risk of suffering torture by non-State actors—by parents and their friends, by pimps and johns—sellers and buyers of human beings, predominately girl children and women. The six questions and answers are:

- **Does legalizing “sex work/trade or prostitution” of women protect the young from the pimps/traffickers and johns?** *No, it does not.*
- **How young is young in the supply and demand chain for the “prostitution” of children?** *It starts with demands for infants.*
- **Who are the suppliers that meet the demand for the exploited “prostituted” young?** *They can be parent(s), other relatives, boyfriends, pimps, pornographers, human traffickers, drug dealers, gangs or rings, and people in authority or trusted for example.*

- **Is there a “prostitution” demand for young girls who have been conditioned by their parent(s) or others to withstand sexualized torture?** *Yes, there is.*
- **How many sexualized torture ordeals might a child/woman suffer?** *We estimate for a woman who was born to non-State torture, human trafficking exploiting family-based operators and unable to escape until age 20, has endured at least over 24,000 “prostitution” torture rapes, not counting sadomasochism involving electric shocking, objects, weapons, bestiality, and torture ‘pornographic’ ordeals.*
- **What social and legal attitudes can develop to normalize exploitive sexualized torture?** *According to a response received from Stats Canada when asked how they tracked sexualized torture perpetrated by private individuals they explained that; “It is just **regular torture** [emphasis added] between two individuals and called non-state actor torture . . . all kinds of implications and exceptions for S&M (re: consent to torture); (email communication, July 27, 2009). They did not address the torture and bondage of exploited child.*

#### The Canadian Reality is:

- Canadian opinion is that 78 percent of girls under aged 16 are not in “prostitution” by choice; that 67 percent are exploited against their will, and 70 percent of those brought into Canada are illegally exploited;<sup>1</sup>
- A Canadian federal police force report suggests that sexualized exploitation is often linked to organized crime and internet recruitment of underage girls;<sup>2</sup> and that non-State torture is inflicted by exploiters;<sup>3</sup>
- Between September 2002, and March 2009, Cybertip.ca examined child sexualized exploitative websites, of 4,110 images 82.1% were of children under 12 years old, extreme sexualized violence was inflicted against children under eight years old, 83% of the images were of the girl child, and images included infants and toddlers.<sup>4</sup>
- Northern Canadian aboriginal women and children, who identified surviving sexualized exploitation, report the exploiters were family members, boyfriends, and friends.<sup>5</sup>
- In the Canadian province of Manitoba, the average age when adults were first “prostituted” was aged 13 to 14 years but children as young as nine years suffered being prostituted.<sup>6</sup>

<sup>1</sup> Canadian Women’s Foundation. (n.d.) *End human trafficking*. Retrieved from <http://www.canadianwomen.org/trafficking>

<sup>2</sup> Royal Canadian Mounted Police. (2010). *Human trafficking in Canada: A threat assessment. (Summary)*. Retrieved from <http://www.rcmp-grc.gc.ca/pubs/ht-tp/hta-tpem-eng.htm>

<sup>3</sup> The Human Trafficking National Coordination Centre. (2013, October). *Domestic human trafficking for sexual exploitation in Canada*, p. 22. Royal Canadian Mounted Police.

<sup>4</sup> Bunzeluk, K. (2009, November). *Child Sexual Abuse Images: Summary Report. An Analysis of Websites by cybertip!ca*. Canadian Centre for Child Protection.

<sup>5</sup> Redfern, M. (2014). *Inuit victims of sexual exploitation and human trafficking in Nunavut: Executive summary*. Ajungi Arctic Consulting.

<sup>6</sup> Manitoba Family Services and Housing. (2008). *Front Line Voices: Manitobans working together to end child sexual exploitation*. Retrieved from [http://www.gov.mb.ca/fs/childfam/pubs/tracias\\_trust\\_en.pdf](http://www.gov.mb.ca/fs/childfam/pubs/tracias_trust_en.pdf)



**RESPONDING TO QUESTION 3**

UN Women's acknowledgement that the "sex trade" is gendered demands that they include the girl child as we have explained in our two previous responses. Further insight in reference to the terminology of "sex work/trade or prostitution" UN Women is using, includes:

- As soon as UN Women says "the sex trade is gendered" this admits to the inequality and to the selling and renting or buying of women and girls in society;
- The term "sex trade" dismisses that it is a human being that is being traded, disguising an industry of 'human trading';
- The term "sex work" dismisses it is a human being that is being sold, rented, or bought, commonly of women and girls in positions of vulnerability;
- The term "prostitution" of women is defined in article 6 of [CEDAW](#) in a manner that "requires States parties to take appropriate measures, including legislation, to suppress . . . the exploitation of prostitution in women" and to suppress the human trafficking in women. Child "prostitution" is defined and addressed internationally as "the use of a child in sexual activities for remuneration" and also acknowledges that a child can be sold and bought by "any person or group of persons" across this globe as outlined in articles of the [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). There can be no denial that children are sold and bought in "sex work/trade/prostitution" thus all discussion formulated under the UN Women's terminology of "sex work/trade/prostitution" must include the girl child of all ages and not only women.

**In closure**, "sex work/trade/prostitution" is a gendered form of violence of women and girls globally. If a very small percentage of women promote themselves as willfully engaged in "sex work/trade/prostitution" their position must not override the human rights of the majority who are chronically victimized and enslaved in a gendered oppressive reality. Risking and/or withstanding non-State torture is not work; we disagree with the terms "sex work" or "sex trade".





Research Centre of Women's Affairs – Greece



### Non-Aligned Women's Movement - Greece

Consultation seeking views on UN Women approach to prostitution

The universality of Human Rights based on Universal Declaration of Human Rights, whereas 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 and endangers the welfare of the individual, the family and the community. That is human bodies cannot be used as commodities in a sex trade market .

Prostitution, as violence consists brutal violation incompatible with human rights as lack of dignity and self determination and a form of constrain of life, liberty and security of person, that affect prostituted persons.

Gender Equality can be achieved only though the total abolition of prostitution; together with the violence and the exploitation and that the sex markets fuels. In prostitution, inequality rules as it is about power of the buyer. The purchase of sex is the denial another person's right to sexual desire and consists inequality. It is not a free choice it is lack of free choice and lack of an alternative of people involved in it.

The targets of Sustainable Developments Goals, cannot be achieved through the regulation of prostitution as work, as prostitution does not cover any need of the present generations in relation to SDG set goals, but in the same time, sets in danger future generations converting human bodies as commodities for the for the cover of the demand.

Non-Aligned Women's Movement      Research Centre of Women's Affairs  
109, Asklipiou Street  
11472 Athens – Greece  
Email: [ginaika@otenet.gr](mailto:ginaika@otenet.gr)  
[matakaloud@yahoo.gr](mailto:matakaloud@yahoo.gr)

**CONSULTATION SEEKING VIEWS ON UN WOMEN APPROACH TO SEX WORK,  
THE SEX TRADE AND PROSTITUTION**

**WRITTEN SUBMISSION: RIGHTS4GIRLS**

Rights4Girls is a human rights organization based in Washington, D.C. working to end sex trafficking and gender-based violence against vulnerable young women and girls in the United States. Our team of human rights attorneys work with service providers, experts, lawmakers, advocates, and—most importantly—survivors of the sex trade to build awareness about the exploitation and abuse of marginalized women and girls, and to advance policies that achieve justice for victims.

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

By its very nature, the commercial sex trade is an affront to the principles of universality, human rights, and leaving nobody behind. The sex trade is predicated on gender, income, and often racial inequality. Though some may argue that entering the sex trade is a “choice”—in our experience, prostitution occurs precisely in the absence of viable choices or alternatives. This point is further reinforced by the fact that most prostituted people were first sexually exploited as children. Prostitution, in our view, is a barrier to full gender equality and prevents women and girls from accessing the same rights, health services, education, and employment opportunities as men, as well as increases exploited people’s risk for rape, violence, and murder.

It is no coincidence that African-American and Native American girls and women are overrepresented in the commercial sex trade in the United States. Throughout history, prostitution has been used as a means to legitimize sexual violence perpetrated by slave-owners and colonizers against indigenous and enslaved women and girls. The trafficking of women and girls of color must be recognized as a legacy of racialized and gendered violence. The PFA calls upon governments to eliminate all forms of violence against women, particularly sexual abuse, exploitation, and “violence against women as the result of racial discrimination” because they are incompatible with the dignity and the worth of the human person. (PFA, par. 224)

Without appropriate access to safety, services, long-term support, and employment opportunities, women and girls are unable to exit the sex trade. Their vulnerabilities do not disappear on the day they reach adulthood, and by then, many of them have endured years of unimaginable trauma which can severely impact their physical and mental health. Their involvement in prostitution only serves to further marginalize and disconnect them from opportunities to achieve economic, physical, emotional, and mental well-being.

Therefore, to accept the sex trade as legitimate in any way is to deem this stigmatization, abuse, and marginalization acceptable for any human being. If the goal is to leave nobody behind, then we must ensure that our most marginalized women and girls have the access and opportunity to live free from violence and exploitation.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) reproductive rights**
- b) women's ownership of land and assets**
- c) building peaceful and inclusive societies**
- d) ending the trafficking of women**
- e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

There can be no end to trafficking of women and girls so long as the sex trade thrives. International law echoes this principle: The UN Convention of 1949 articulates specifically that prostitution and trafficking and such slavery like practices "... are incompatible with the dignity and worth of the human person." In addition, Article 6 of CEDAW states that "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Finally, Article 9.5 of the Palermo Protocol calls on State Parties to take measures to discourage the demand that fosters the exploitation of persons that lead to trafficking.

To that end, any policies that legitimize or facilitate the existence of the sex trade work against these principles and consequently, the SDGs. Legitimizing prostitution or comparing commercial sex to any other form of labor ignores the inherent harms and risks involved in the sex trade, including physical and sexual violence at the hands of traffickers and buyers, acute risk for sexually transmitted infections, and other long-term medical consequences that result from the physical deterioration that those in the sex industry endure. The mortality rates for women and girls in the sex industry are exceptionally high, and beyond the physical trauma, women and girls in prostitution experience Post Traumatic Stress Disorder (PTSD) at rates higher than war veterans.

These risks do not exist in any other form of labor therefore involvement in the sex trade should never be likened to other forms of "work," nor should policies impacting those in prostitution be based solely and simply on an effort to minimize harm. If we truly seek to empower women and girls, then we cannot be satisfied with merely regulating or limiting the harms of an inherently violent institution—instead, we must work to eliminate the harm for those most impacted. In the words of sex trade survivor Autumn Burris, "There is no such thing as 'sex work.'... You are implying that there is something about it is that is regular work... 'Sex work' has nothing to do with work. It has everything to do with harm."

To bring an end to the trafficking of women and girls, we encourage UN Women to prioritize the following policies:

*Ending the criminalization of those who sell sex:* Criminalizing women and girls who sell sex further exacerbates the conditions that render them vulnerable to exploiters and buyers, and creates additional barriers to exit the sex industry. In many countries, those

who have been convicted of crimes are unable to access educational support, housing, or employment. For trafficked girls and women, the fear of criminalization can prevent them from asking for help or reporting abuse, and in the most egregious circumstances law enforcement can use the threat of criminalization to violate women and girls in prostitution. Criminalization isolates women and girls in the sex trade and makes communities less likely to view these individuals with empathy.

*Create accountability for sex-buyers and exploiters:* We strongly caution against promoting full decriminalization of the sex trade. Decriminalization (like legalization) normalizes the commodification of female bodies and sends a strong message to society that purchasing sex is socially acceptable. These notions inevitably lead to a rise in demand and where there is an increased demand, bodies will be required to meet that demand. We know where those bodies will come from: marginalized and impoverished communities.

In addition, policies that decriminalize the “management” or “market facilitation” of the sex industry create impunity for traffickers, brothel-keepers, and exploiters. To achieve the strategic objective of implementing CEDAW the PFA calls on governments to enact legislation to “to prosecute and punish those responsible for organized exploitation of women and children.” (PFA, par. 230(n)). Full decriminalization of the sex trade would not only legitimize pimping and brothel-keeping, but it would perpetuate a market that is built on exploitation of the disenfranchised, and obstruct the prosecution of organized criminal enterprises that traffic women and girls. It would also make it more difficult for law enforcement to identify and rescue children trapped in the sex trade.

There should be no difference between raping someone, and paying to rape someone. But all across the world, there is an entrenched culture of impunity for raping girls and women when the act of rape is paid for. Therefore, to truly curb the sex trade and achieve justice for our most vulnerable women and girls, there must be a concerted effort to confront the demand for prostitution. Where there are no buyers, there is no business. We urge UN Women to answer the PFA, CEDAW, and the Palermo Protocol’s calls for policies that punish perpetrators through criminal and civil measures. (PFA, par. 70(a)). This must include legislation that holds sex buyers accountable for acts of gender violence, as the demand for commercial sex necessitates the trafficking of girls and children.

*Promote access to safe and confidential services for survivors:* The commercial sex trade relies on control over female bodies. In order to ensure that sex trade survivors achieve economic freedom, sustainability, and reproductive autonomy, they need access to “safe and confidential programmes and medical, social, and psychological support services.” (PFA, par. 283(d)). These services enable women and girls to exit the sex trade, and reverse the conditions that enabled others to exploit them.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The sex trade is not only gendered but it is also violent. The only way to protect women and girls from this violence is to promote policies that curb demand for commercial sex (and therefore shrink the market) and provide women and girls opportunities to leave the sex trade.

Prostitution must ultimately be understood as gender-violence. Studies show that the majority of those who buy sex are men, and the majority of individuals in the sex trade are women, girls, and gender non-conforming individuals from the most marginalized communities. Instead of focusing on women and girls involved in prostitution, our public conversation should address the cultural factors that allow men to exploit and abuse women and girls with no consequence.

In developing policies that seek to protect women and girls in the sex trade, we urge UN Women to consider the words of American sex trade survivor Vednita Carter, who describes prostitution as part of a “...sexual war against women and children in this world...a war that’s managed to disguise itself as ‘the oldest profession’ when, in reality, it is the oldest oppression.”

Fundamentally, prostitution violates women and children’s human rights, including the rights to bodily integrity, equality, dignity, health, security, and freedom from violence and torture. Only through a sincere commitment to confronting prostitution as a form of gender violence can the principles enshrined in CEDAW be truly realized.



P.O. Box 1406  
Wall Street Station  
New York, NY 10268-1406  
Tel: 212.349.6009  
Fax: 212.349.6810  
[sanctuaryforfamilies.org](http://sanctuaryforfamilies.org)

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UN Women  
405 East 42nd Street  
New York, NY 10017  
United States  
Email: [consultation@unwomen.org](mailto:consultation@unwomen.org)

**Re: Consultation on UN Women's approach to sex work, the sex trade, and prostitution**

To Whom It May Concern:

Sanctuary for Families respectfully offers this statement in response to UN Women's call for submissions on its approach to sex work, the sex trade, and prostitution. Founded in 1984, Sanctuary for Families is the largest non-governmental organization in New York State dedicated to addressing the multi-faceted needs of survivors of domestic violence, sex trafficking, and related forms of gender-based violence. In 2015, Sanctuary provided legal, shelter, clinical, and economic empowerment services to over 15,000 survivors, over 70 percent of whom were immigrants from 144 different countries. Since our inception Sanctuary has advocated for laws and policies that empower survivors and improve systems' responses to their needs. Our advocacy is deeply informed by the experiences of the survivors we serve.

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

To advance the 2030 Agenda prostitution cannot be considered as work but instead must be understood as a condition of profound gender oppression that fosters severe violations of human rights, especially sex trafficking and other gender-based violence.

The United Nations recognizes that prostitution and the sex trade are inextricably linked to sex trafficking.<sup>1</sup> Statistics, scholarship, and governmental findings have come

<sup>1</sup> See Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, at Preamble, G.A. Res. 317(IV), (1949) ("The 1949 Convention") ("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 and endanger the welfare of the individual, the family, and the community"); Convention on the Elimination of All Forms of Discrimination Against Women, art. 6, G.A. Res. 34/180 (1979) ("CEDAW"); Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, art. 9, G.A. Res. 55/25 (2000) ("The Palermo Protocol"). Throughout the history of the United Nations, a multitude of documents from various U.N. bodies and authorities have continuously recognized the link between prostitution and trafficking and the need to address root causes of prostitution as the solution for the prevention of trafficking and to achieve gender equality. See *inter alia*, General Recommendation No. 19, CEDAW (1992); Human Rights Council Resolution on Trafficking in Women and Girls A/RES/69/149 (2014); Human Rights Council Resolution on Trafficking in Women and Girls A/RES/67/145 (2013); Human Rights Council Resolution on Trafficking in Women and Girls A/RES/65/190 (2011); Human Rights Council Resolution on Trafficking in Persons A/HRC/RES/14/2 (2010); Human Rights Council Resolution on Trafficking in Women and Girls

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to the same conclusion: demand for prostitution fuels trafficking, and trafficking cannot be eradicated without curtailing and ultimately eradicating this demand.<sup>2</sup>

Prostitution is an acute form of gender discrimination.<sup>3</sup> Regardless of legal regime, prostitution is a gendered system that perpetuates deep-seated gender stereotypes and widespread commodification of women and girls' bodies.<sup>4</sup> Prostitution socializes men and boys to

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A/RES/65/209 (2010); Human Rights Council Resolution on Violence Against Women A/HRC/RES/7/24 (2008); Beijing Platform for Action, U.N. Doc. A/CONF.177/20 (1995); CEDAW Comm. Concluding Observations, Congo, ¶ 28(e) (2012); CEDAW Comm. Concluding Observations, Zimbabwe, ¶ 26 (2012); CEDAW Comm. Concluding Observations, Guyana, ¶ 25(a) (2012); CEDAW Comm. Concluding Observations, Belarus, ¶ 22 (2011); CEDAW Comm. Concluding Observations, Chad, ¶ 25(e) (2011); CEDAW Comm. Concluding Observations, Kuwait, ¶ 33 (2011); CEDAW Comm. Concluding Observations, Malawi, ¶ 25 (2010); CEDAW Comm. Concluding Observations, Egypt, ¶ 26 (2010); CEDAW Comm. Concluding Observations, Botswana, ¶ 27 (2010). Furthermore, U.N. policy prohibits peacekeeping troops from purchasing sex even where prostitution is legal. See Secretary General Special Measures For Protection From Sexual Exploitation And Sexual Abuse, ST/SGB/2003/13, ¶ 3.2(c) (Oct. 9, 2003) ("Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited"); see also Dep't of Peacekeeping Operations (DPKO), "Human Trafficking and United Nations Peacekeeping," *DPKO Human Trafficking Policy Paper*, ¶ 12-13 (2004), <http://www.un.org/womenwatch/news/documents/DPKOHumanTraffickingPolicy03-2004.pdf> ("In many mission areas it may be extremely difficult to differentiate between trafficking victims and local prostitution. Prostitution may be present owing to local poverty conditions and the need for access to income for poor families. These scenarios may or may not involve trafficking, but are likely to be highly exploitative nonetheless. It thus becomes very difficult to differentiate between trafficking victims, particularly victims of domestic trafficking, and vulnerable individuals in local populations that have had to resort to prostitution for income. The use of prostitutes by UN personnel in these environments is an exploitative activity. . . [purchasing sex] constitutes an act of sexual exploitation, even where prostitution is not a crime.").

<sup>2</sup> See Seo-Young Cho, Axel Dreher, Eric Neumayer, *Does Legalized Prostitution Increase Human Trafficking*, World Dev. 41(1), 67-82 (2013) ("countries with legalized prostitution have a statistically significantly larger reported incidence of human trafficking inflows"); Esohe Aghatise, *Trafficking for Prostitution in Italy: Possible Effects of Government Proposals for Legalization of Brothels*, 10(10) Violence Against Women 1126, 1127 (2004) (discussing prostitution in Italy, "we cannot end trafficking unless we first put a stop to the commercialization of women's bodies in prostitution"); Moira Heiges, *From the Inside Out: Reforming State and Local Prostitution Enforcement to Combat Sex Trafficking in the United States and Abroad*, 94 Minn. L. Rev. 428, 430 (2009) (prostitution and sex trafficking are linked); U.S. Dep't. of State, Prevention: Fighting Sex Trafficking by Curbing Demand for Prostitution (2011) ("[I]f there were no demand for commercial sex, trafficking in persons for commercial sexual exploitation would not exist in the form it does today."); see also Melissa Farley, *Prostitution, Trafficking, and Traumatic Stress* 317 (2003) (citing Budapest Group, 1999) (80% of prostituted women in the Netherlands were trafficked from other countries); *Amsterdam Tries Upscale Fix for Red-Light District Crime*, Marliese Simons NYTimes (Feb. 24, 2008) (quoting Mayor of Amsterdam Job Cohen saying "[legalization] hasn't worked. Trafficking in women continues. Women are moved around more, making police work more difficult.").

<sup>3</sup> In violation of: CEDAW, *supra* n.1, at art. 2; International Covenant on Civil and Political Rights, art. 2, G.A. Res. 2200 A (XXI) (1966) ("ICCPR"); International Covenant on Economic, Social and Cultural Rights, art. 2, G.A. Res. 2200 A (XXI) (1966) ("ICESCR"); Universal Declaration of Human Rights, art. 2, G.A. Res. 217 A (III) (1948) ("UDHR").

<sup>4</sup> The adoption of the Sustainable Development Goals and specifically target 5.2 of Goal 5 to end trafficking was predicated on the recognition that women and girls comprise 70% of people trafficked throughout the world. UNICEF, *The Sustainable Development Goals that Aim to End Human Trafficking*, Jan. 29, 2016, <https://www.unicefusa.org/stories/sustainable-development-goals-aim-end-human-trafficking/29864>. Other research concludes that between 85-90% of victims of trafficking are women. Holly G. Atkinson, Kevin J. Curnin & Nicole C. Hanson, *U.S. State Laws Addressing Human Trafficking: Education of and Mandatory Reporting by Health Care Providers and Other Professionals*, 2(2) J. of Human Trafficking 111, 111 (2016). See also European Parliament Directorate-General for Internal Policies, *Sexual Exploitation and Prostitution and its Impact on Gender Equality*, at 9 (2014), [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM\\_ET\(2014\)493040\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf) ("Prostitution and sexual exploitation are highly gendered issues with in most cases women and girls selling their body. . . to men or boys who pay for this service."); see also Jan Jordan, *The Sex Industry in New Zealand: A Literature Review*, at 32 (Mar. 2005), <http://www.justice.govt.nz/assets/Documents/Publications/sex-industry-in-nz.pdf> (in New Zealand, "[T]he majority of sex workers are female. Women tend overwhelmingly to be involved in the industry as sex workers, or managers, while most men's involvement is as clients."); Ine Vanwesenbeeck, *Sex Workers' Rights and Health the Case of the Netherlands*, in *Global Perspectives on Prostitution and Sex Trafficking* (R.L. Dalla, L.M. Baker, J. DeFraen, & C. Williamson, eds.) at 7 (Jan. 2011), [https://www.researchgate.net/profile/Ine\\_Vanwesenbeeck/publication/289533336\\_Sex\\_Workers'\\_Rights\\_and\\_Health\\_The\\_Case\\_of\\_The\\_Netherlands/links/568f97ef08ae78cc05189beb.pdf](https://www.researchgate.net/profile/Ine_Vanwesenbeeck/publication/289533336_Sex_Workers'_Rights_and_Health_The_Case_of_The_Netherlands/links/568f97ef08ae78cc05189beb.pdf) (In the Netherlands, "[a]bout 5% of present sex workers are

regard women as objects, inculcates in them feelings of superiority over women and entitlement to women's bodies, and fosters a hostile, callous masculine self-identification and likelihood to commit acts of sexual coercion.<sup>5</sup>

Women and girls in prostitution largely come from circumstances of vulnerability: poverty; marginalization on the basis of race, caste, or ethnicity; and/or migrant or refugee status.<sup>6</sup> A history of gender-based violence, especially sexual abuse in childhood, is often a precondition for exploitation in prostitution.<sup>7</sup> Normalizing prostitution as work leaves these vulnerable women and girls behind by rendering invisible their exploitation and abuse.

Prostitution violates universal human rights to liberty, personal security, freedom from cruel, inhuman or degrading treatment, freedom from torture, and the right to life.<sup>8</sup> People in prostitution are routinely subjected to rape and other extreme forms of physical, sexual, and psychological violence; many are killed.<sup>9</sup> Countries in which the sex trade has been legalized or decriminalized

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male and about the same percentage are transsexuals.”). See also Kathleen Barry, *Prostitution of Sexuality: Global Exploitation of Women* (1995) (“Sex is an integral dimension of the human being, of the self,” and “[w]hen it is treated as a thing to be taken, the human being is rendered into a thing, an objectification that not only violates human rights but also destroys human dignity, which is a fundamental precondition to human rights.”); Melissa Farley et al., *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder*, 2 J. of Trauma Practice 33, 34 (2003), <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>, (“Prostitution dehumanizes, commodifies and fetishizes women.”).

<sup>5</sup> See M. Farley, J. M. Golding, E. Schuckman Matthews, N. M. Malamuth & L. Jarrett, *Comparing Sex Buyers With Men Who Do Not Buy Sex: New Data on Prostitution and Trafficking*, J. of Interpersonal Violence 1-25 (2015) (“sex buyers were more likely than men who did not buy sex to report sexual aggression and likelihood to rape. Men who bought sex scored higher on measures of impersonal sex and hostile masculinity and had less empathy for prostituted women, viewing them as intrinsically different from other women.”); B. Heilman, L. Herbert & N. Paul-Gera, *The Making of Sexual Violence: How Does a Boy Grow Up to Commit Rape? Evidence from five IMAGE Countries*, Int'l Ctr. for Research on Women (2014) (a five-country study finding that sex buyers were more likely than other men to commit rape). See also *National Legislation on Prostitution and the Trafficking in Women and Children*, European Parliament, Policy Dep't C, Citizen's Rights and Constitutional Affairs, ID No. IPOL/C/FEMM/ST/2004-05, at xi, 101, 125-29 (Sept. 2005) (concluding that legal regimes which decriminalized prostitution had larger markets for the sex trade, and that these countries were associated with lower gender equality); Kristie Blevins & Thomas J. Holt, *Examining the Virtual Subculture of Johns*, J. of Contemporary Ethnography 38(5), 637 (2009) (concluding that sex buyers in the study viewed women in prostitution “as goods rather than human beings.”); Kat Banyard, *Pimp State: Sex, Money, and the Future of Equality* (2016).

<sup>6</sup> See *inter alia*, Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, 66th Sess., Jan.–Feb. 2005, ¶ 42, U.N. Doc E/CN.4/2006/62 (Feb. 20, 2006) (submitted by Sigma Huda); Janice Raymond, *Not a Choice, Not a Job* at 30-31 (2013); Melissa Farley, Kenneth Franzblau & M. Alexis Kennedy, *Online Prostitution and Trafficking*, 77 Alb. L. Rev. 1039, 1049 (2014); Seo-Young Cho, *Modelling for Determinants of Human Trafficking*, Econ. of Sec. Working Paper Series, 70, at 9 (2012); Seo-Young Cho, Axel Dreher & Eric Neumayer, *The Spread of Anti-Trafficking Policies: Evidence from a New Index*, CESifo, 3376, at 3 (2011).

<sup>7</sup> Max Waltman, *Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential*, 34 Women's Studies Int'l Forum 449-474, 451-52 (2011); Farley, et al., *Online Prostitution and Trafficking*, *supra* n. 6, at 1049; Raymond, *Not a Choice, Not a Job*, *supra* n. 6, at 30-31.

<sup>8</sup> In violation of: ICCPR, *supra* n. 3, at arts. 6, 7, 9; General Recommendation No. 19, CEDAW, *supra* n. 1, at ¶ 7; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, art. 2 (1984); UDHR, *supra* n. 3, at art. 3; Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, art. 3 (1993) (“DEVAW”).

<sup>9</sup> Significant numbers of scientific and peer-reviewed research have reported extremely high levels of violence against people in prostitution, across countries and legal regimes, including data which suggests higher levels of violence in regimes where purchasing sex has been decriminalized. See Melissa Farley et al., *Prostitution and Trafficking in Nine Countries*, *supra* n. 4, at 34 (the majority of people in prostitution suffer severe violence; specifically, 70% to 90% of prostituted individuals surveyed were physically assaulted, and 60% to 75% were raped); Susan Kay Hunter, Council for Prostitution Alternatives Annual Report, Portland, Oregon (1991) (78% of people in prostitution were raped, 48% by pimps an average of 16 times per year, 78% by buyers an average of 33 times per year); Melissa Farley, *Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order To Keep the Business of Sexual Exploitation Running Smoothly*, 18 Yale J.L. & Feminism 109, 112-



have experienced increased trafficking and organized crime, heightened violence against prostituted women and girls, and a surge in both demand for prostitution and businesses catering to that demand.<sup>10</sup>

Prostitution violates the universal human right to the highest attainable standard of health.<sup>11</sup> The physical and mental health of women and girls in prostitution is severely compromised by their exploitation. Prostituted women and girls sustain levels of post-traumatic stress disorder comparable to those of war veterans.<sup>12</sup> Many develop substance abuse problems as a way to cope with trauma. Many are forced to have abortions and unprotected sex, and suffer reproductive health problems, including STDs, infections, high risk of cervical cancer, and chronic hepatitis.<sup>13</sup>

Prostitution denies women and girls the human right to education, essential for the exercise of all other human rights, and leaves them severely economically disadvantaged.<sup>14</sup> Since most

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17 (2006) (almost all sex trafficking victims suffer physical violence, including rapes and beatings); Devon D. Brewer, et al., *Extent, Trends, and Perpetrators of Prostitution-Related Homicide in the United States*, 51 J. of Forensic Sciences 1101 (2006) (women in prostitution have “the highest victimization rate of any set of women ever studied.”); John J. Potterat et al., *Mortality in a Long-term Open Cohort of Prostitute Women*, 159 Am. J. Epidemiol. 778, 783 (2004) (prostitution in the U.S. has a workplace homicide rate 51 times that of the closest other occupation); Canada Dep’t of Justice, *Pornography and Prostitution in Canada: Report of the Special Committee on Pornography and Prostitution* (1985), <https://www.ncjrs.gov/pdffiles1/Digitization/131616NCJRS.pdf> (rate of death of prostituted women was 40 times greater than that of general population); *National Legislation on Prostitution and the Trafficking in Women and Children*, *supra* n. 5, at xi, 131 (data indicated that legal regimes in which prostitution was decriminalized witnessed higher levels of violence against trafficked persons during the years studied); *Prostitution Law Reform in New Zealand*, New Zealand Parliament Report (July 2012) (concluding that violence continued after the law changed and prostitution was decriminalized, and the number of underage girls in prostitution “does not appear to have significantly changed”); *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, New Zealand Ministry of Justice, at 46, 57 (2008) (35% of interviewed women in the sex industry reported having been coerced to provide sex to a given buyer in the past 12 months, and a majority of respondents felt that decriminalization made no difference with respect to the violence of sex buyers—they felt that it was inevitably a part of the sex industry); Tooru Nemoto et al., *HIV Risk among Asian Women Working at Massage Parlors in San Francisco*, 15(3) AIDS Educ. & Prevention 245, 248 (2003) (62% of women surveyed in a San Francisco study reported they being beaten by sex buyers).

<sup>10</sup> Cho, et al., *Does Legalized Prostitution Increase Human Trafficking*, *supra* n.2; *National Legislation on Prostitution and the Trafficking in Women and Children*, *supra* n.5, at xi, 132 (legal regimes that decriminalized prostitution had larger markets the sex trade); *Amsterdam Tries Upscale Fix for Red-Light District Crime*, NYTimes, *supra* n.2 (noting “the [sex trade] business has expanded rapidly and, along with violence, it has spawned cheap hotels. . .,” and quoting Mayor of Amsterdam Job Cohen saying “[legalization] hasn’t worked. Trafficking in women continues. Women are moved around more, making police work more difficult.”); Vanwesenbeeck, *Sex Workers’ Rights and Health the Case of the Netherlands*, *supra* n. 4 (In the Netherlands, “[t]here is no evidence that, as a consequence of the regulation, the number of prostitutes working under coercion (and abuse) of pimps and traffickers has diminished.”).

<sup>11</sup> In violation of: ICESCR, *supra* n.3, at art. 12, CEDAW, *supra* n. 1, at art. 12.

<sup>12</sup> Max Waltman, *Sweden’s Prohibition of Purchase of Sex*, *supra* n. 7, at 452 (finding that 68% of women in a nine country study met criteria for PTSD “and symptoms were higher or equal to that of treatment-seeking Vietnam veterans that prostitution was “strongly related to PTSD even when controlling for childhood abuse,” and prevalence of PTSD symptoms were “also found regardless of whether prostitution was legalized or criminalized.”).

<sup>13</sup> *Testimony Before the House of Representatives Committee on Energy and Commerce, Subcommittee on Health, Examining H.R. \_\_\_, the Trafficking Awareness Training for Health Care Act of 2014* (Sept. 11, 2014) (testimony of Laura J. Lederer), <http://docs.house.gov/meetings/IF/IF14/20140911/102647/HHRG-113-IF14-Wstate-LedererL-20140911.pdf> (“Many survivors reported being dependent upon drugs or alcohol while they were being trafficked,” many times, because “the substances were forced on them as a control mechanism by their traffickers.”); Laura J. Lederer & Christopher Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 Annals Of Health Law 61, 73 (2004) (describing “[t]he prevalence of forced abortions” among those who are sex trafficked); Melissa Farley, *Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized*, 10 Violence Against Women 1087, 110-1110 (October 2004) (“exhaustion, frequent viral illness, STDs, vaginal infections, back aches, sleeplessness, depression, headaches, stomachaches, and eating disorders” are prevalent among women in prostitution, as well as finding that “[p]rostituted women have an increased risk of cervical cancer and also chronic hepatitis.”).

<sup>14</sup> In violation of: ICESCR, *supra* n. 3, at art. 13; CEDAW, *supra* n. 1, at art. 10.

enter prostitution in youth,<sup>15</sup> they are deprived of educational and work-related opportunities essential to economic independence and the attainment of an adequate standard of living. The stigma attached to prostitution across legal regimes<sup>16</sup> further impedes their ability to access economic opportunities, as does the physical and psychological injury they suffer in prostitution.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

- a) **Reproductive rights**
- b) **Women's ownership of land and assets**
- c) **Building peaceful and inclusive societies**
- d) **Ending the trafficking of women**
- e) **Eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

It is impossible to end trafficking of women and eliminate violence against women in legal regimes that condone the human rights violations detailed above, whether by punishing women in prostitution or by conferring impunity on their exploiters. By revictimizing prostituted women or failing to investigate, prosecute, and punish those who perpetrate violence against them, justice systems around the world give exploiters social and legal license to harm women and girls.

Regimes that criminalize prostituted women deepen their injury and stigma, intensifying their dependence on pimps and foreclosing to them the protection of the criminal justice system.<sup>17</sup>

<sup>15</sup> See Holly G. Atkinson, Kevin J. Curnin & Nicole C. Hanson, *U.S. State Laws Addressing Human Trafficking: Education of and Mandatory Reporting by Health Care Providers and Other Professionals*, 2(2) J. of Human Trafficking 111, 111 (2016) (summarizing research on the age of entry into prostitution, noting "average age of entry into the commercial sex industry for girls is around 12 to 14 years old," and "another more recent study found the age of entry for young people's initial sex trade experience ranged from 10 to 17 years of age, with a median age of 15") (relying on Richard J. Estes & Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, (University of Penn. 2001); Deborah Gibbs, Jennifer L. Hardison Walters & Alexandra Lutnick et al., *Evaluation of Services for Domestic Minor Victims of Human Trafficking*, Nat'l Inst. Of Justice, Dep't of Justice (2014). See, e.g., Megan Annitto, *Consent, Coercion, and Compassion: Crafting a Commonsense Approach to Commercial Sexual Exploitation of Minors*, 30 Yale L. & Pol'y Rev. 1, 9 (2011) ("Some children are prostituted as early as age nine, while the average age of entry into prostitution is estimated to be between twelve and fourteen."); Press Release, Official Website of the Attorney General of Massachusetts, AG Coakley Commends Passage of Human Trafficking Legislation (Nov. 15, 2011), <http://www.mass.gov/ago/news-and-updates/press-releases/2011/ag-commends-passage-of-human-trafficking-bill.html> (last visited Oct. 28, 2016) ("Human Trafficking is one of the most egregious human rights violations that we see in our world today. . . . The average age of girls forced into the sex trade is between 11 and 13 years old.").

<sup>16</sup> See *National Legislation on Prostitution and the Trafficking in Women and Children*, *supra* n.5, at 104 ("Even though it is regulated in several areas of the country, prostitution is considered 'a contravention of public morality (*sittenwidrig*)' and sex workers are greatly stigmatized"). In Senegal, where prostitution is legal, people in prostitution are considered social outcasts. Ellen Foley et al., *Courting success in HIV/AIDS prevention: the challenges of addressing a concentrated epidemic in Senegal*, 9(4) Afr. J. of Aids Res. 325 (2010). In Germany, all but 100 of an estimated 400,000 prostituted people chose to forgo the benefits of union membership, such as healthcare, legal aid, thirty annual paid holidays, a five-day workweek and holiday bonuses, rather than sacrifice their anonymity. M. Farley, *Myths and Facts about Trafficking for Legal and Illegal Prostitution*, Prostitution Research (Mar. 2009), <http://www.prostitutionresearch.com/pdfs/Myths%20&%20Facts%20Legal%20&%20Illegal%20Prostitution%203-09.pdf>.

<sup>17</sup> *Amsterdam Tries Upscale Fix for Red-Light District Crime*, NYTimes, *supra* n.2; Der Spiegel, *How Legalizing Prostitution Has Failed* (May 30, 2013), <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of->

Regimes that decriminalize pimps and other sex exploiters and treat them as legitimate business operators facilitate their predatory enterprises, expanding the number of vulnerable women and girls they victimize.<sup>18</sup> Similarly, regimes that enable sex buyers to purchase women's bodies without legal consequence increase the demand for prostitution, leading inevitably to pimps and other sex exploiters procuring more girls and women to meet that heightened demand.<sup>19</sup> This is the vicious cycle that legal regimes that valorize prostitution as work inevitably perpetuate.<sup>20</sup>

Prostitution is a breeding ground for gender-based violence. Women and girls in prostitution are vastly subjected to severe physical and sexual violence from pimps and buyers.<sup>21</sup> A disproportionate number are murdered as a direct result of prostitution.<sup>22</sup> Women and girls in prostitution are at the mercy of the predilections, often violent, of buyers who have paid for the right to use their bodies, and view them as goods rather than human beings.<sup>23</sup> The rates of gender violence are higher where prostitution is legal.<sup>24</sup> The practice of prostitution embodies and promotes the objectification and commodification of women's and girls' bodies<sup>25</sup>—the foundation of gender-based violence.<sup>26</sup> When pimping and sex buying are decriminalized, the sex industry explodes, as does violence against women.<sup>27</sup> The State-sanctioned endorsement of prostitution through legalizing or decriminalizing pimping and sex buying contravenes States' obligation to eliminate gender-based violence and undermines the SDG's target of eliminating violence against women.

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prostitution-in-germany-a-902533.html; Wim Huisman & Edward R. Kleemans, *The Challenges of Fighting Sex Trafficking in Legalized Prostitution Market of the Netherlands*, 61(2) *Crime, Law and Social Change* 227 (2014).

<sup>18</sup> At the end of 2008, for example, Mayor Job Cohen announced a plan to close half of Amsterdam's 400 prostitution windows because of trafficking and criminal gang activity. *Amsterdam Tries Upscale Fix for Red-Light District Crime*, NYTimes, *supra* n. 2 ("We've realized . . . that big crime organizations are involved here in trafficking women, drugs, killings, and other criminal activities.")

<sup>19</sup> For support, see *supra* n. 10.

<sup>20</sup> Some argue that decriminalization would improve health outcomes by empowering women to negotiate condom usage. However, this argument ignores the economic and physical power disparity not only between pimps and their victims but also between the prostituted woman and the customer demanding sex without a condom. For example, in one study, 73% of women stated that men offered more money in exchange for sex without a condom, and 45% reported that men became abusive when condom usage was insisted upon. See M. Farley, et al., *Bad for the Body, Bad for the Heart*, *supra* n.13, at 1110.

<sup>21</sup> For support, see *supra* n.9.

<sup>22</sup> *Id.*

<sup>23</sup> Potterat et al., *Mortality in a Long-term Open Cohort of Prostitute Women*, *supra* n. 9 (prostitution is the most dangerous occupation in the U.S. for women, with a homicide rate 51 times that of the closest contender and an average life expectancy of 34).

<sup>24</sup> *Speaking of Prostitution: Arguments counterarguments about prostitution*, at 39, <http://www.prostitutionresearch.com/Speaking-of-Prostitution%202013%20Sweden.pdf>; Andrea Di Nicola et al., *Study on National Legislation on Prostitution and the Trafficking in Women and Children – Final Study*, Eur. Parl. Study (Aug. 2005).

<sup>25</sup> As one Sanctuary for Families survivor said, "[o]ur lives are not treated as valuable, as human. We are just objects. Our freedom can be bought for a price high or low. We are a dollar sign without value or dignity. Without any personal choice or decision."

<sup>26</sup> CEDAW, General Recommendation No. 19 ("the depiction and other commercial exploitation of women as sexual objects, rather than as individuals . . . contributes to gender-based violence.").

<sup>27</sup> *Amsterdam Tries Upscale Fix for Red-Light District Crime*, NYTimes, *supra* n.2; *National Legislation on Prostitution and the Trafficking in Women and Children*, *supra* n. 5, at xi, 131; Der Spiegel, *How Legalizing Prostitution Has Failed*, *supra* n. 17.

Legitimizing prostitution as work does not promote peaceful, inclusive societies. Instead, decriminalizing pimps and buyers intensifies and increases the scope of prostitution and the harm to prostituted women and girls.<sup>28</sup> Decriminalization in New Zealand, for example, led to an escalation of prostitution and worsened conditions for women in prostitution.<sup>29</sup> “We always wanted power to be placed in the hands of the prostituted person/sex worker,” one survivor explained. “Decriminalization didn’t do that. The power went to the brothel owners, escort agency owners, and johns. . . . Johns wanted the cheapest service, with the most extras, with the most amount of girls to choose from: the younger and newer, the better. So the pimps drove down the prices to get their patronage. [Decriminalization] was meant to make it safer to enforce safe sex practices. In reality, it’s done the opposite.”<sup>30</sup>

While the greatest harm of prostitution is to the marginalized women and girls on the frontlines, prostitution harms the safety and status of all women. As Sweden’s Deputy Prime Minister Margareta Winberg stated, “[F]ull gender equality . . . cannot be brought about as long as a subclass of women and children are victims of prostitution and trafficking. To do otherwise is to allow for the exclusion of a separate class of women, especially those who are economically and racially marginalized, from the universal protection of human dignity enshrined in international human rights instruments.”<sup>31</sup>

**Question 3) The sex trade is gendered. How best can we protect women in the trade from (1) harm, (2) violence, (3) stigma and discrimination?**

The best way States can protect women and girls from the exploitation, abuse, and stigma of prostitution is to adopt the Nordic Model—a transformative approach that offers women and girls in prostitution holistic services instead of criminalization, holds accountable those who profit from and exploit their vulnerability, and implements a nationwide public awareness and education campaign to discourage sex buying.<sup>32</sup>

The Nordic Model recognizes that prostitution’s gendered system, predicated on violence, exploitation, and discrimination, constitutes an insurmountable obstacle to gender equality and justice. This revolutionary approach combats stigmatization by communicating the message that prostituted women and girls deserve the same protection, respect, and services accorded other survivors of gender violence. The Nordic Model shifts the stigma from those in prostitution to those who exploit them for profit or pleasure.

<sup>28</sup> Huisman Kleemans, *The Challenges of Fighting Sex Trafficking in Legalized Prostitution Market of the Netherlands*, *supra* n. 17.

<sup>29</sup> Kat Banyard, *Prostitution is not sex work* (Aug. 16, 2016), <https://aeon.co/essays/the-sex-trade-can-never-be-legalised-without-hurting-women>.

<sup>30</sup> Rachel Moran, *The Evidence About Prostitution that the New York Times Ignored*, (June 1, 2016), [http://www.truthdig.com/report/page2/the\\_evidence\\_from\\_new\\_zealand\\_the\\_new\\_york\\_times\\_ignored\\_20160601](http://www.truthdig.com/report/page2/the_evidence_from_new_zealand_the_new_york_times_ignored_20160601) (citing statements by Sabrina Valisce).

<sup>31</sup> Margareta Winberg, Speech by the Swedish Minister of Gender Equality, Int’l Conf. Against Male Violence Against Women with a Focus on Prostitution and Trafficking, organized by the Nat’l Org. for Women’s Shelters and Young Women’s Shelters in Sweden (Feb. 2-4, 2001).

<sup>32</sup> Julie Bindel & Liz Kelly, *A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands; and Sweden*, London Metropolitan University, 78 (2003) (examining the Nordic Model and noting “[decriminalizing women] not only changes their legal status, but how they are seen and treated by others. The new law has also invested resources in exit programmes, including fast track access to drug rehabilitation schemes, and also focuses on longer-term reintegration. . . . Support groups working with women in prostitution report that the new law has provided many women with the impetus to leave.”).

The Nordic Model is the only approach that has led to a decrease in the incidence of trafficking and prostitution. While approximately 17,000 women are trafficked into Finland each year, fewer than 400 are trafficked into Sweden.<sup>33</sup> The number of trafficking victims in Germany post legalization is 62 times that of Sweden even though Germany's population is only ten times that of Sweden.<sup>34</sup> The number of trafficking victims in Denmark is estimated to be more than four times that of Sweden, even though Sweden has a population about 40% larger than that of Denmark.<sup>35</sup> The Nordic Model has also led to a transformation in attitudes: when asked whether they had or would be willing to buy sex only 11% of Swedish men said yes, compared to 60% of Dutch men.<sup>36</sup>

More importantly, since the implementation of the Nordic Model in Sweden, not a single woman in prostitution has been murdered while "working."<sup>37</sup> By contrast, Germany has born witness to the murders of 55 prostituted women killed by sex buyers in 13 years; the Netherlands has seen 28 such murders in 15 years; and New Zealand has experienced four such murders in 12 years.<sup>38</sup>

The Nordic Model protects the human rights of women and girls.<sup>39</sup> Sanctuary for Families urges UN Women to embrace this model as the only one capable of ending the violation, exploitation, and discrimination of our most vulnerable sisters and daughters and of promoting full gender equality.

We thank you in advance for your consideration of these comments.

Sincerely,




<sup>33</sup> *Lawyer's Manual on Human Trafficking, Pursuing Justice for Victims*, at 72 (Jill Laurie Goodman & Dorchen A. Leidholdt, eds., N.Y. Supp. App. Div. 1<sup>st</sup> Dep't 2013), <https://traffickingresourcecenter.org/sites/default/files/Lawyers%20Manual%20on%20HT.pdf>; Statement by Kajsa Wahlberg, Swedish National Rapporteur on Trafficking in Human Beings at the Conference on "Preventing and Combating Trafficking in Human Beings and Reducing Prostitution and Sexual Exploitation," Plzen, The Czech Republic (June 3, 2009); Bindel, *A Critical Examination of Responses to Prostitution in Four Countries*, *supra* n. 25, at 25.

<sup>34</sup> Cho, et al., *Does Legalized Prostitution Increase Human Trafficking*, *supra* n.2, at 25.

<sup>35</sup> *Id.* at 67 ("[e]vidence seems to show that legalized sex industries actually result in increased trafficking to meet the demand for women"); Der Spiegel, *How Legalizing Prostitution Has Failed*, *supra* n. 17 (reporting that "many police officers, women's organizations and politicians are convinced that the well-meaning law is in fact little more than a subsidy program for pimps and makes the market more attractive to human trafficker").

<sup>36</sup> Since the Nordic Model was enacted in Sweden the price for sex there has been among the highest in Europe. See Michelle Goldberg, *Swedish Prostitution Law is Spreading Worldwide—Here's How to Improve It*, *The Guardian* (Aug. 8, 2014), <https://www.theguardian.com/commentisfree/2014/aug/08/criminalise-buying-not-selling-sex>. By contrast, the price for sex in the legalization or decriminalization regimes of Germany, the Netherlands, and New Zealand has plummeted, and women in prostitution have reported more competition and deteriorating conditions. *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Penny White, *Remembering the Murdered Women Erased by the Pro-Sex Work Agenda*, *Feminist Current* (Nov. 3, 2015), <http://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>.

<sup>39</sup> Because of Sweden's success in curtailing trafficking and prostitution, Norway, Iceland, Northern Ireland, Canada, and France have adopted laws based on the Nordic Model.

Hon. Judy Harris Kluger  
Executive Director

Dorchen A. Leidholdt  
Director, Center for Battered Women's Legal Services

# TRAUMA AND PROSTITUTION

SCIENTISTS FOR A WORLD WITHOUT PROSTITUTION



## Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution

“Scientists for a World Without Prostitution”<sup>1</sup> based in Karlsruhe in Germany, is a group of health experts (medical, psychological and in traumatology) who offer women in prostitution therapeutical and medical assistance. This group authored a manifesto<sup>2</sup> declaring that prostitution is humiliating, degrading and in violation of universal human rights, that it is an act of violence and that it perpetuates this violence in the lives of women. In other words, there is no “good prostitution”. Our group also demands a law placing the responsibility on the men by insisting on a legal approach that penalises the sex buyers, because we are tired of being used to “repair women” while there is a policy that incites men to “break women”. The manifesto was signed by the best known and most influential trauma psychologists and specialists in Germany. We want to inform on the realities of prostitution and its harmful effects on health, inform on the disastrous effects of a law legalising prostitution, draw attention to the presence and the voice of health experts who are in direct contact with the victims of prostitution: share our clinical experience as well as texts and scientific studies on prostitution.

### 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Seen from the perspective of psychotraumatology, prostitution is not a job like any other. Michaela Huber, Head of the German “Trauma and Dissociation” Society<sup>3</sup> says that: “To allow strangers to penetrate one's body, natural phenomena must be extinguished: fear, shame, disgust, alienation, contempt, self-blame. In their stead women put: indifference, neutrality, a functional conception of penetration, a reinterpretation of this act as a “job” or “service”.”<sup>4</sup> These women have learned very early on how to dissociate. In fact, many studies on this subject demonstrate a strict correlation between entering prostitution and violence experienced during childhood.<sup>5</sup>

Prostitution as a system uses the traumatising for its own ends and profit. Under no circumstances can prostitution be defined as “work” or “a service”. The erogenous and

<sup>1</sup> <http://www.trauma-and-prostitution.eu/>

<sup>2</sup> <http://www.trauma-and-prostitution.eu/fr/le-manifeste/>

<sup>3</sup> <http://www.dgtd.de/>

<sup>4</sup> <http://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

<sup>5</sup> Dre Muriel Salmona: *Pour mieux penser la prostitution: quelques outils et quelques chiffres qui peuvent être utiles*. Chapitre 3: Violences avant l'entrée en situation prostitutionnelle. <http://www.trauma-and-prostitution.eu/fr/2015/01/21/pour-mieux-penser-la-prostitution-quelques-outils-et-quelques-chiffres-qui-peuvent-etre-utiles/>

reproductive body parts of women are too sensitive to be objectified for the use as work tools. Prostitution can only be practised in a state of pathological dissociation.<sup>6</sup>

In addition, prostitution can not be viewed as a job, as it is traumatising. Numerous studies have shown that the risk of developing post traumatic stress disorder is higher in prostitution than it is in war.<sup>7</sup>

In the same way that there is a human right to live in peace, there should be a universal human right not to be prostituted.

**2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as: a) reproductive rights b) women's ownership of land and assets c) building peaceful and inclusive societies d) ending the trafficking of women e) eliminating violence against women.**

The current discussions on prostitution within UN Women were held in a similar way in Germany about 15 years ago. I am honoured to have today the opportunity to share with you the experiences that we have made with a law that legalises and normalises prostitution. Far from protecting the women, "the German model" has become "hell on earth" for the women in prostitution. I use this strong comparison on purpose, because the situation in Germany has become extremely serious. I will respond to your questions by giving you an overview of the effects "the German model" has had.

This law, introduced in 2002, intended to protect and empower the women in a situation of prostitution by giving them the status of "sex workers" enjoying the same working rights like those of any other employed or independent workers, has yielded the following results: We witness an industrialisation of prostitution with a revenue estimated at € 14.6 bn with 3500 brothels that have officially been declared as such.<sup>8</sup> The establishment of mega-brothels with the capacity of accommodating more than 1000 sex buyers.<sup>9</sup> An increased demand that has risen by an estimated 30%. The creation of "flat-rate" brothels. € 70.00 is the price of a beer, a sausage and unlimited access to women<sup>10</sup>. We observe a decrease in women's earnings (€ 30.00 for sexual contact, and they have to pay about € 160.00 for a room and € 25.00 in daily taxes).

These women are subjected to the rules of a free market of capitalism at its roughest: Their bodies are exploited to the maximum. We observe the kind of inhuman working conditions we thought to have surpassed since the beginning of the 20<sup>th</sup> century: these women live, eat and sleep in the same room in which they receive their "clients". Many among them lead a Nomad life, moving from one city to the next and one brothel to the next to offer the sex buyers "variety".

The behaviour of the sex buyers became perverted overnight<sup>11</sup> with a law normalising prostitution, whose message to men is clear: There is "a right" to buy sexual acts and there is no need to feel guilty about that any more. The clients therefore see themselves entitled to demand more and

<sup>6</sup> Michaela Huber: *Trauma und Prostitution aus traumatherapeutischer Sicht*, 2014: <http://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

<sup>7</sup> - Study by Melissa Farley from 2008 that found that 68% of the women in prostitution experienced PTSD at a similar intensity to combatant veterans or people who survived torture. <http://www.trauma-and-prostitution.eu/en/2015/01/26/prostitution-and-trafficking-in-nine-countries-an-update-on-violence-and-posttraumatic-stress-disorder/>

- Study by Zumbeck in Germany in 2001, who found that 60% suffered from intense PTSD. Zumbeck, Sibylle: *Die Prävalenz traumatischer Erfahrungen, Posttraumatische Belastungsstörungen und Dissoziation bei Prostituierten*, Hamburg, 2001.

<sup>8</sup> Michael Jürgs: *Sklavenmarkt Europa*, 2014, Bertelsmann, P. 327.

<sup>9</sup> Chantal Louis : Die Folgen der Prostitution, dans Alice Schwarzer HG, *Prostitution, ein Deutscher Skandal*, 2013, KIWI, p. 70-87.

<sup>10</sup> Der Spiegel: *Bordell Deutschland*. 27.05.2013 <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533-2.html>

<sup>11</sup> Radio Interview with the Dominatrix Ellen Templin, le 08.03.2010. <http://abolition2014.blogspot.de/2014/05/interview-mit-einer-domina.html>



more “services“ at the least expense. This is how unprotected sexual practices became common, and with them pregnancies and late abortions.

The demographics of prostituted women has changed since 2002. With Eastern European countries joining the EU, women come from the poorest regions of Europe. They often belong to minorities that live in extreme poverty. Today, c. 95% among them come from abroad. This has become survival prostitution. These women are often sacrificed by their own families to support them financially. The majority doesn't speak German. These young women arrive in Germany and are subjected to the perverted demands of the buyers. They are incapable of saying no, of defending themselves. They are completely overwhelmed by the situation and fully traumatised by it.<sup>12</sup>

The working conditions and those of hygiene have become disastrous. Out of 400,000 prostituted women (an estimate that is more than 15 years old), only 44 registered as independent business<sup>13</sup>. The vast majority remains illegal, which means that they have no access to a social system that would allow them to see a doctor.

A recent report by a German gynaecologist<sup>14</sup> states that the health of women in prostitution is catastrophic: At 30 they have aged before their time, which is a symptom of extreme and permanent stress. All of the women experience constant abdominal pain, gastritis and frequent infections, due to unhealthy living conditions. The emotional and psychological traumatising can only be born through the consumption of alcohol and or drugs or medication. He states that there is a growing demand for pregnant women in prostitution. These women have to “serve“ 15 to 40 men a day until the birth of their infant. Very often they abandon their new born child in order to continue working as soon as possible, sometimes three days after giving birth. These practices are reckless regarding the health of the mother and of the new born infant, and can lead to lasting damage. Lutz Besser<sup>15</sup>, medical doctor and psychotraumatologist, reported an ongoing practice of getting the women pregnant to deliver them to sex buyers in this state, and to make them undergo late abortions abroad. If they give birth to their child, they often abandon the child at the hospital to become pregnant again as soon as possible.

It is absurd to speak of the “reproductive rights“ of women in prostitution, this here is about the sex buyers' rights and to guarantee them their rights of flourishing without restraint or restriction.

A study by the German ministry for family affairs in 2004<sup>16</sup> demonstrated that 87% of the women in prostitution reported having been exposed to physical violence, 82% to emotional violence, 92% to sexual harassment, 59% to sexual violence. These figures alone make it difficult to speak of a job like any other. And this research was conducted more than 10 years ago, things have since deteriorated significantly. Violence is an inherent part of prostitution.

The “German model“ of legalising prostitution has shown itself to be a law obliging the criminal world and has turned Germany into traffickers', procurers' and brothel keepers' Eldorado, as Manfred Paulus, Chief Inspector with the police, has stated<sup>17</sup>. The police is rendered powerless faced with a law that has strengthened the prostitution system. Figures demonstrate this<sup>18</sup>: In 2000,

<sup>12</sup> Sabine Constabel, a social worker who has worked with prostituted women in Stuttgart für 20 years, made the following statements in a television interview on Oct. 17, 2013. <https://www.youtube.com/watch?v=BpCPKDRcFg0>

<sup>13</sup> Michael Jürgs: *Sklavenmarkt Europa*, 2014, Bertelsmann, P. 327.

<sup>14</sup> Dr. Wolfgang Heide: *Stellungnahme zur öffentlichen Anhörung zur „Regulierung des Prostitutionsgewerbes“ im Ausschuss für Familie, Senioren, Frauen und Gesundheit im Deutschen Bundestag* am 06. Juni 2016. <http://www.trauma-and-prostitution.eu/2016/06/05/stellungnahme-von-wolfgang-heide-facharzt-fuer-gynaekologie-und-geburtshilfe/>

<sup>15</sup> Dr. Lutz Besser: *Stellungnahme zur Anhörung zum Entwurf eines Gesetzes zur Regelung des Prostitutionsgewerbes sowie zu Schutz von in der Prostitution tätigen Personen*. 04.06.2016. <http://www.trauma-and-prostitution.eu/2016/06/04/lutz-besser-stellungnahme-zum-prostituiertenschutz/>

<sup>16</sup> Study done by Schröttle & Müller 2004 in: Bundesministerium für Familie, Senioren, Frauen und Jugend : Gender Datenreport », Kapitel 10: Gewalthandlungen und Gewaltbetroffenheit von Frauen und Männern, P. 651-652, 2004.

<sup>17</sup> Manfred Paulus: *Menschenhandel*, 2014, Verlag Klemm+Oelschläger, P. 107.

<sup>18</sup> Der Spiegel: *Bordell Deutschland*. 27.05.2013.

151 persons were sentenced for trafficking, in 2011 it was only 32. 2011 only saw 636 cases of women as victims of human trafficking, which is three times fewer than ten years earlier, while the total number of women in prostitution has risen!

**3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

At all times there was a wish to domesticate, control and dictate women's sexuality. Prostitution is one of these dictations! It is mistaken to think of prostitution in terms of women's sexual freedom. In fact, it is only about man's sexual freedom. And this is the problem. We must direct our attention towards the sex buyer, who is never questioned. The sex buyer is a social construct<sup>19</sup> resulting from an unequal gendered education. In discussing prostitution it is important to envision the kind of society we want. We need a new generation of men who do not take recourse to prostitution and to the domination of women to define themselves. It is also wrong to think male sexuality cannot be controlled. To legalise and to normalise prostitution cements the inequality among women and men and to capitulate to the violence perpetrated against women.

It is because of this that we need the establishment of the Swedish model on a global basis. A model that penalises the sex buyer, decriminalises the women in prostitution, offers them alternatives in order to leave prostitution as well as access to public health services and that implements measures of prevention.

Dr. Ingeborg Kraus

Psychologist and expert in psychotraumatology

Initiator of the appeal "*German psychologists and the scientific case against prostitution*"

<http://www.trauma-and-prostitution.eu/>

Amalienstr. 47 - 76133 Karlsruhe – Germany

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<sup>19</sup> Udo Gerheim: *Die Produktion des Freiers*, 2012, Transcript, P. 7.

**From:** Mary Hession <[mhmaryhession03@gmail.com](mailto:mhmaryhession03@gmail.com)>

**Date:** 16 October 2016 at 12:36:54 CEST

**To:** [consultation@unwomen.org](mailto:consultation@unwomen.org)

**Cc:** Sarah McCormack <[sarah.mccormack@hse.ie](mailto:sarah.mccormack@hse.ie)>, Pat Ash <[blackpat308@gmail.com](mailto:blackpat308@gmail.com)>, [Caroline.mulligan@soroptimistinternational.org](mailto:Caroline.mulligan@soroptimistinternational.org), Margaret Geraghty <[margaret.geraghty@gmail.com](mailto:margaret.geraghty@gmail.com)>

**Subject:** Soroptimist International, Republic of Ireland, Position on Prostitution

Since 2011, Soroptimist International, ROI, has been a very active member of the ‘Turn Off the Red Light’ Campaign, to end prostitution and sex trafficking in Ireland. TORL is a collective of civil society organisations, all of which act and advocate to end prostitution in our country, believing that prostitution is modern day slavery, predominantly the slavery of women and children, generally bought by men and generating huge profits for international illegal organisations.

At the moment, legislation is on its way through our parliament – the Dail – and we are actively in touch with our members of parliament to encourage this legislation which will make it easier to take action against pimps and others who benefit from the sale of sex. This Bill will combat child grooming and sexual exploitation, target the demand for sex and decriminalise the sale of sex, ensuring it is not the victims that are penalised, but those who exploit and use them. We are hopeful that the bill will become law before the end of 2016.

We have a strong belief that the correct approach is the ‘Nordic’ model, which criminalises the purchase of sex, since this intervention on the demand side will immediately deflate the market for sex. A law which is based on this model has recently been enacted in Northern Ireland, with the resulting movement of prostitutes from the North of Ireland and into the border areas. Clearly this is a problem for the border area which will be alleviated with the introduction of the law in the Republic of Ireland.

Through our partners in the Irish civil society organisations who work with survivors of prostitution, we have come to learn that prostitution is not a ‘choice’, but the ‘choice made by those who have no choice’[1].

Soroptimists in Ireland believe that pimping people into prostitution is slavery, and must not be a solution to poverty. Therefore, much of the international activity of Soroptimist International, to which we contribute, is geared towards helping women into work and education, to improve their economic and living conditions and to enable them to support their families in their communities.

Mary Hession, Programme Action Chair



Info@spaceintl.org

## **Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution**

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

As a highly relevant opening point in answering this question, we, as women who have survived the sex trade, must take issue with the language of 'sex work' presented to us within it. The ritualised, regimented, routine abuse of the sex trade is by no acceptable standard of measurement equitable to or comparable with 'work.' Frankly, being vaginally, orally and anally penetrated by every man who decides to, and can afford to, capitalise on your disenfranchisement is not, never has been, and never will be a form of 'work.'

We believe that we should not be presented with such language and expected to respond to it, as if it were rational or reasonable, and it is both appalling and deeply disappointing that such language, deliberately obscurest when it was first invented, and foolishly clueless when it was adopted, should be presented to us by a UN Agency which should frankly have both the good common sense and the political nous to know better.

Since the 2030 Agenda commits to universality, human rights and leaving nobody behind we would both hope and expect that the financially compensated sexual violence known as prostitution will be recognized for what it is. Indeed it is already recognised as a form of exploitation as laid down in numerous UN Treaties since 1949 and what we would hope to see from UN Women would be an acknowledgement of that fact. As to tackling prostitution, we want to see policies adopted that end demand for commercial sexual access to human bodies, with a particular emphasis on the understanding that prostitution has already been identified as a highly gendered form of violence, and taking this position into account when developing any form of policy towards it.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as:

- a) - reproductive rights
- b) - women's ownership of land and assets
- c) - building peaceful and inclusive societies
- d) - ending the trafficking of women
- e) - eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

We would say, from the experiences of our own lives across seven nations, that it is not possible to build peaceful and inclusive societies wherein it is permissible that one half of the population



may be sexually subjugated to the other, depending on the economic conditions of their lives. Such societies - which currently are most societies - are inherently flawed at their core, so that no peripheral policies ignoring the central problem could possibly achieve equality as an objective. The core flaw, the institution of prostitution, must be dismantled before this is possible. All of the above goals we would see as being negatively impacted, and some downright impossible, because of the very existence of prostitution. Societies, for example, can be neither peaceful nor inclusive when one half is under the threat of sexual subordination to the other, and when many of their numbers are living that subordination every day. The trafficking of women for sexual access by men exists for one reason only, and that reason is the male demand for that sexual access. It is a very basic and obvious fact that the demand for paid sexual access must itself be considered intolerable before we can shut down this, or any other entry point into prostitution.

Prostitution is itself a form of violence against women. It is a multifaceted form of violence, in that while of course it adversely affects those involved most directly, it is a threat to all women. All women who live in societies where prostitution is socially sanctioned must accept that sexual access to their bodies is officially a commodity, which of course alters the very nature of sexual consent. When sexual consent is commodified – when it is possible to purchase a yes – consent itself has been malformed.

Women need, want and deserve alternatives to prostitution. What we advocate for is a full range of options made available to women (and all persons in the sex trade) that would encompass financial supports, health services, including counselling and treatment for addictions, housing, childcare, education and training. Women need a range of services, tailored to the individual, which are designed to help them exit prostitution and build full, productive and fulfilling lives.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Harm and violence are the components of which the sex trade is constituted and stigma and discrimination attach themselves to it because human beings are naturally averse to spheres of life they perceive to be harmful and violent. We can no more protect women from these elements within prostitution than we could protect women immersed in water from drowning.

We can best protect women from what we know to be an institution that exists for the sole purpose of profiting from our abuse by shutting down that institution, and hear us when we say that the preposterousness of our having to call for something so blatantly obvious has not escaped us; nor, we believe, will it escape historians many years from now.

Finally, we perceive that it is as important to know what *not* to do in terms of framing policy as it is to know how to proceed. A strong and enormously well-funded international lobby has for years now been pressuring UN Women and many other agencies and organisations around the world to adopt the policy of decriminalising “all aspects” of the sex trade, by which they mean the New Zealand style decriminalisation of pimps, brothel keepers and other third party profiteers. We know through the experiences of our own lives, through our contacts in New Zealand, and though the gift of our own common sense that decriminalising those who organise the sex trade can have no more inevitable outcome than the massive expansion of the sex trade and all the exploitation that occurs within it.

We would urge UN Women to resist such pressure and to see it for what it is: the organised and vocal articulation of a powerful and determined pimp lobby. If anybody doubts this they need look no further than Alejandra Gil, Vice President of the Global Network of Sex Work Projects, who was invited to input into the framing of policy by WHO and UNAIDS – before receiving her fifteen year sentence for sex trafficking in a Mexico.

We strongly urge UN Women not to be so foolish as to take their cues from traffickers and pimps, and would like to point out that there will surely be no shortage of such organisations and individuals among your consultations respondents.

SPACE International

Rachel Moran  
Fiona Broadfoot  
Marie Merklinger  
Rosen Hitcher  
Laurence Noelle  
Ne’Cole Daniels  
Vednita Carter  
Autumn Burris  
Jeanette Westbrook  
Cherie Jimenez  
Tanja Rahm  
Marian Hatcher  
Bridget Perrier



## Written submission by the Swedish Women's Lobby to UN Women's consultation regarding prostitution

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

Women have the right not to be bought, sold, exploited or trafficked in prostitution. The United Nations (UN) and countries all over the world have over and over again confirmed that prostitution is a form of violence against women, an obstacle to gender equality and a crime against women's human rights. The UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others states 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 (...)"*

The UN Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) states that state parties *"shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women"*. Since its' adoption in 1979 the CEDAW has been reaffirmed every year by the Commission of the Status of Women (CSW) and several other UN conferences.

Prostitution is also incompatible with the Sustainable Development Agenda and values of universality. To refer to prostitution as *"work"* is the same thing as leaving thousands of persons in prostitution all over the world behind.

To use the word *"work"* in relation to prostitution is to counteract universal and agreed language that defines prostitution as a crime against human rights and all above-mentioned conventions. For the same reasons, the word *"trade"* is equally non acceptable if it is used in a way that implies work, an area of work or the similar. However, *"trade"* is a suitable word to use in relation to prostitution if it is used in a way that implies buying, selling and exchanging goods. When used this way the word *"trade"* captures the global business of trading in women's bodies, better known as prostitution.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as (...) How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

The 2030 Agenda can never be fully achieved as long as women are bought, sold, trafficked and exploited in prostitution.

### **a) Reproductive rights**

Target 5.6 on reproductive rights refers to the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action (BPA),

both of which have clear positions on prostitution. The Programme of Action of ICPD defines reproductive health as *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."* The Programme thereafter states that reproductive health *"implies that people are able to have a satisfying and safe sex life."* Being in prostitution and facing violence, threats and other risks in the sex industry is contradictory to this definition. On prostitution the Programme states that countries *"should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes"*. Similar language can be found in the BPA.

#### **b) Building peaceful and inclusive societies**

Target 16.2 urges states to *"end abuse, exploitation, trafficking and all forms of violence against and torture of children"*. This target is tied to the issue of trafficking since many women entered prostitution as children and a majority of them have been trafficked. Target 16.1 that also can be found under the same goal requires states to *"reduce all forms of violence and related death rates."* In order to achieve this target states need to address that persons in prostitution face a mortality rate 10 to 40 times above the average population (1).

#### **c) Ending the trafficking of women**

Trafficking in human beings is interlinked with prostitution at all levels. Prostitution fuels the global trafficking industry both by driving the demand. Sexual purposes is the most common reason for women to be trafficked and a majority of persons in prostitution have been trafficked. Therefore it is impossible to fight trafficking without fighting prostitution. *"Prostitution"* and *"trafficking"* are addressed in combination to each other in documents such as the CEDAW, the BPA and the Programme of Action of the ICPD.

#### **d) Elimination violence against women**

Since prostitution in itself is a form of violence against women it would be impossible to meet the target in question if prostitution would be referred to as *"work"*. In order to eliminate violence against women, sex purchase need to continue to be recognized as a crime. By default, women in prostitution needs to continue to be defined as *"victims of a crime"* and never as *"workers"*.

#### **e) End poverty in all its forms everywhere**

Poverty drives women and girls into prostitution. To choose between poverty and prostitution is not a choice at all. Women and children in poverty are disproportionately involved and exploited in prostitution and are more vulnerable to trafficking. As are victims of incest and sexual violence, indigenous women and children, migrant women and children, and women and girls from ethnic minorities.

#### **f) End the epidemics of AIDS (...) and other communicable diseases.**

Persons in prostitution face a 12 times greater risk of being infected by HIV/AIDS<sup>2</sup>. In order to fight the spread of HIV/AIDS among persons in prostitution we need to fight prostitution

<sup>1</sup> 18 myths on prostitution, European Women's Lobby (EWL) (<http://www.womenlobby.org/18-myths-on-prostitution-read-and-share-EWL-awareness-raising-tool?lang=en>)

<sup>2</sup> The Gap Report, UNAIDS, 2014 <http://www.unaids.org/en/resources/documents/2014/Sexworkers>



which apart from being a crime against women's human rights is an arena for spreading of infections.

**g) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all**

Needless to say, prostitution is a contradiction to decent work. As long as women are trapped in prostitution the goal on full and decent employment can never be reached.

**h) Facilitate orderly, safe, regular and responsible migration and mobility for all people**

A majority of persons in prostitution have been trafficked into the industry. But even apart from that an overwhelming majority of women in prostitution are migrants. Prostitution and trafficking is therefore an obstacle to safe and responsible migration and mobility.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

Prostitution is a global industry that buys, sells, exploits and traffics women. The best way to protect women from harm, violence, stigma and discrimination is to prevent them from being drawn in to prostitution in the first place and after that to help them exit.

The most effective way to combat prostitution is to target the demand, also known as the buyer. Best practice on how to target demand is found in countries like Sweden, Norway, Iceland and France where sex purchase is criminalized. In other words it is illegal to buy but not to sell sex. This has reduced street prostitution by half in Sweden (3), while no more stigma have been put on women in prostitution. The women in prostitution are victims of a crime and should receive protection, support and help to exit. Sweden is also a much smaller market for trafficking in persons than comparable countries. The Swedish sex purchase act is broadly supported by persons in prostitution, social workers and the police.

The other option, to recognize prostitution as "work" would not only be a breach against agreed language and several UN conventions and documents; it would also be a way to leave thousands of women and girls behind. Prostitution is mere violence and exploitation and is incomparable to any form of work. No other job has the same occupational hazards. (4) 82 percent of the persons in prostitution have been physically assaulted, 83 percent have been threatened with a weapon, 68 percent meet the criteria for Post-Traumatic Stress Disorder and 68 percent have been raped. The death rate (5) among women in prostitution is higher than for any other group of women, including homeless women and drug addicts.

The few countries that have decided to legalize sex purchase with the argument that it would be easier to control the sex industry if it is regulated have utterly failed. Very few women are registered as "workers" and the stigma against women in prostitution has not

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<sup>3</sup> Evaluation of the prohibition of the purchase of sexual services, Government of Sweden, 2011(<http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>)

<sup>4</sup> Prostitution, Violence, and Post-Traumatic Stress Disorder, Melissa Farley and Howard Barkan, 1998 (<https://archive.is/zUwm>)

<sup>5</sup> Mortality in a Long-term Open Cohort of Prostitute Women, John J. Potterat, Devon D. Brewer, Stephen Q. Muth et al., 2004 (<http://aje.oxfordjournals.org/content/159/8/778.full>)

been reduced. In Germany for example, only 1 percent of persons in prostitution are registered as “*sex workers*.” When the German state’s official inquiry asked why, many women in prostitution replied that they hoped to get out of prostitution as soon as they could and that they did not want to see it as more than a temporary solution (6). Moreover, the so-called “*sex worker organizations*” are run by pimps, brothel owners and escort services. The interests of these groups are to legalize all aspects of the sex industry through the labeling of prostitution as “*work*.”

It is impossible to talk about forced versus voluntary prostitution. Persons in prostitution are always forced, either by pimps and traffickers, or by the fact that they do not have any other choice. Any form of prostitution is a human rights violation and therefore there can be no distinction between “*voluntary*” and “*forced*” prostitution.

## SWEDISH WOMEN'S LOBBY

### The Swedish Women's Lobby

Norrtullsgatan 45, 113 45 Stockholm, Sweden

+46 833 52 47

[info@sverigeskvinnolobby.se](mailto:info@sverigeskvinnolobby.se)

[www.sverigeskvinnolobby.se](http://www.sverigeskvinnolobby.se)

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<sup>6</sup> Federal government report on the impact of the act regulating the legal situation of prostitutes, Federal Government Germany, 2007 ([https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal\\_government\\_report\\_of\\_the\\_impact\\_of\\_the\\_act\\_regulating\\_the\\_legal\\_situation\\_of\\_prostitutes\\_2007\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf))



## Memorandum

16 October 2016

Ministry of Health and Social Affairs  
Sweden

UN Women

**The Swedish Government's written submission to UN Women's consultation seeking views regarding prostitution**

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**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

The 2030 Agenda gives the international community a mandate and a responsibility to achieve gender equality and to empower all women and girls, as well as to eliminate all forms of violence against women and girls, and to end all forms of discrimination against women and girls everywhere. Sweden has a feminist government and a feminist foreign policy. We see gender equality as a human rights issue and a prerequisite for achieving sustainable development.

The 2030 Agenda is universal, which means that we all have a responsibility and must act to ensure its full and effective implementation. The Swedish Government firmly believes that prostitution and trafficking for sexual exploitation are forms of violence and serious obstacles to gender equality, women's and girls' empowerment and their full enjoyment of their human rights. As such, prostitution and the sex trade are obstacles to achieving the goals and targets of the 2030 Agenda.

The Swedish Government believes that in order to achieve the Sustainable Development Goals, we must take a clear stand against discrimination and violence, including prostitution and sex trade, in accordance with the international standards guiding UN Women's work, such as CEDAW, the UN Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In these documents the term 'prostitution', and not 'sex work', is used. Similarly,

the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others makes use of terminology such as ‘purpose of prostitution’, ‘purpose of the prostitution of others’, and ‘exploits the prostitution of another person’, while the Palermo Protocol uses ‘the exploitation of the prostitution of others’ or ‘exploitation of persons’.

We consider it is of crucial importance that UN Women takes into account the direction provided by these international instruments and uses the term ‘prostitution’.

Sweden considers it unthinkable to view prostitution as a profession, and that society should legitimise humans being treated as a commodity to be bought and sold and people having their lives ruined by exploitation in the sex industry. In order to leave nobody behind, we must combat trafficking, sexual exploitation and prostitution.

In January 1999, Sweden became the first country in the world to criminalise the purchase – but not the sale – of sexual services. The provision marks Sweden’s position that prostitution is incompatible with the ideas of gender equality and individual freedom, as well as our view of sex buyers. The law focuses on reducing the demand for buying sex by criminalising the purchase of sexual services. The demand, primarily men’s, for such services, is what sustains prostitution and human trafficking for sexual purposes. In Sweden, the person who sells sexual services is not punished. In the majority of cases this person is the weaker party who is exploited.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women’s empowerment, such as**

- a) reproductive rights
- b) women’s ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

One of the objectives of the Swedish Government’s gender equality policy is to stop men’s violence against women. This also includes ensuring that women and men, girls and boys have the same right to and

opportunity for physical integrity. Prostitution and trafficking for sexual purposes is a form of violence since it takes place under unequal and coercive conditions. The reason why prostitution is part of the Government's gender equality policy is the conviction that buying another person's body for sexual purposes is incompatible with women's and girls' full enjoyment of human rights and the ideas of a gender-equal society.

Viewing prostitution as a profession is also incompatible with the Swedish Government's work on sexual and reproductive health and rights (SRHR), such as the right for women and men to decide about their own body, sexuality and sexual health. It is every woman's and man's right to claim these rights without the risk of being discriminated against, violated or forced.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

There is extensive research on prostitution that shows that a majority of women and girls involved in prostitution are living in extreme poverty and/or have been exposed to sexual assaults or other forms of sexual violence earlier in life. It is also common that there is a history of drug abuse, or other related problems, that put the victims in a very vulnerable position. We also know that many of those involved in prostitution are being forced to do so, and we know that many of them are being trafficked within and between countries for the purpose of sexual exploitation<sup>1</sup>.

Measures aimed at abolishing sex purchases leading to prostitution must therefore be in focus. As long as there are sex purchases, women and girls will continue to be exploited for prostitution and will be the victims of sexual crimes and violence.

Criminalisation of the purchase of sexual services has proven to have an impact on the number of men buying sex in Sweden<sup>2</sup>. An assessment of the results of the Swedish Sexual Purchases Act shows that the number of people who bought sex and the number of people in prostitution decreased after the implementation of the Act in 1999<sup>3</sup>. The normative

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<sup>1</sup> Farley M, Baral I, Kiremire M, Sezgin U. (1998). Prostitution and Trafficking in Nine Countries: An update on violence and post-traumatic stress disorder.

<sup>2</sup>The County Administrative Board of Stockholm, The extent and development of prostitution in Sweden 2014.

<sup>3</sup> SOU 2010:49 The prohibition of the purchase of sexual services – an inquiry 1999–2008.

underpinning of the model has had an effect on prostitution and has restricted men from buying sexual services. The legislation on the prohibition of buying sexual services is protective of persons in prostitution who are seen as the weaker party that should not be punished.

By criminalising the person buying sex, focus and guilt is shifted from the person in prostitution to the buyer. This is important in order to be able to reach out with social support, such as safe housing, support programmes for rehabilitation and safe-return programmes for migrants in prostitution and trafficking.

## TERRE DES FEMMES

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TERRE DES FEMMES e. V. • Brunnenstr. 128 • 13355 Berlin

### **Written submission to UN WOMAN's consultation process on prostitution and the sex trade**

TERRE DES FEMMES is a non-profit human rights organisation based in Germany that supports girls and women through raising public awareness, international networking, campaigning, individual personal assistance and the promotion of self-help projects abroad. TERRE DES FEMMES works to ensure that women and girls around the world are able to lead self-determined lives while holding equal and inalienable rights. Our main areas of work are human trafficking and prostitution, female genital mutilation, honour killings, domestic violence, and, more recently, the specific vulnerable situation of female refugees.

Our position on prostitution and the sex trade has to be understood against the background of recent legislative changes in German policies concerning prostitution. German law currently decriminalises both the selling and the purchase of sex. The goal of TERRE DES FEMMES is a society without prostitution; just as we want a society without poverty, discrimination, or violence. TERRE DES FEMMES supports the decriminalisation of the person in prostitution. But we consider the criminalisation of the purchase of sex to be the best path towards achieving a gender-equal society that protects its vulnerable members and leaves nobody behind.

In the following sections, TERRE DES FEMMES responds to the questions posed by UN WOMEN. We argue that the full legalisation of prostitution is not in the interest of women: it neither promotes gender equality nor protects the human dignity of women.

#### **Question 1**

Prostitution and the sex trade directly impact the human rights of girls and women. Clearly, this is primarily the human rights of those girls and women who are victims of sex trafficking and those working as prostitutes. However, we want to highlight that it is *all women in society* that are affected when women's bodies are for sale.

TERRE DES FEMMES considers prostitution to reduce sexuality to a commodity. It reinforces gender hierarchies and suggests the permanent sexual availability of women. We are concerned with the structural position of all women in society. The current Draft Update of the General Recommendation No.19 of CEDAW states that gender-based violence "is rooted in gender-related factors such as ideas of men's entitlement over women, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour. These factors also contribute to the explicit or implicit social acceptance of gender-based violence against women and the widespread impunity for it" (Paragraph 10). Policies regarding prostitution have such large-scale societal effects on gender relations and gender-based violence, and this is why TERRE DES FEMMES argue for a prohibition of the purchase of sex for the sake of all women in society.



## Question 2

Policies on prostitution and the sex trade affect the SDGs in the following ways:

### **Concerning a) reproductive rights**

TERRE DES FEMMES supports the empowerment of women, their reproductive rights, and sexual autonomy. As the Beijing Platform for Action notes, women engaged in prostitution and those who were trafficked have an increased risk of unwanted pregnancy and sexually transmitted infections, including HIV/AIDS (Beijing Platform for Action, p.50). We have observed a deeply problematic race to the bottom following the 2002 prostitution legislation in Germany: this included high pressures for condomless sex, as well as flat-rate brothels depriving prostitutes of any meaningful consent. It will remain to be seen whether recent legislative changes manage to improve the respect for reproductive rights of prostitutes in Germany, but it is clear that the full legalisation of prostitution is not an easy way to ensure the reproductive rights of prostitutes.

TERRE DES FEMMES is a sex-positive organisation. The respect for women's sexual autonomy does not involve an automatic acceptance of prostitution as empowering or "sex work." Our demand for a criminalization of the purchase of sex involves no conservative stance concerning female sexuality, but rather a progressive stance against the commodification of sexuality and women's bodies.

### **Concerning b) women's ownership of land and assets**

The sustainable development goal Nr. 8 of providing "decent work" for women and equal employment opportunities and equal pay is not achieved by embracing prostitution as just another kind of work. TERRE DES FEMMES considers the system of prostitution to be evidence of the power imbalance and gender inequality in society. Same as UN WOMEN, TERRE DES FEMMES stands for gender equality in the area of work and employment, and we would consider it deeply problematic if UN WOMEN were to propose prostitution as a path out of extreme poverty. It is exactly the "tyranny of poverty and want" mentioned in the 2030 Preamble that pushes the large majority of women into prostitution or makes them vulnerable to becoming victims of trafficking. The Beijing Platform for Action notes in Ch.IV that "poverty can also force women into situations in which they are vulnerable to sexual exploitation." Providing the "option" of working as a prostitute is not the same as empowering women nor is it a gender-sensitive development strategy.

### **Concerning c) building peaceful and inclusive societies**

The Preamble of the 2030 Agenda highlights the goal of a peaceful society. This requires a fight against structural violence, and TERRE DES FEMMES considers the system of prostitution to be such structural violence. This is violence not only against the women working as prostitutes, but also against all women in the society. A peaceful society will only be achieved through gender equality.

The European Parliament highlights that the sex trade is tied to large networks of organized crime. In the EU alone the European Parliament estimates annual profits of 25 billion euros in human trafficking (Special report on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken 2013/2107 (INI)).





### **Concerning d) ending the trafficking of women**

Trafficking in women is a serious violation of human rights of women and girls. International economic inequality and lacking opportunities for legal migration are the main causes of trafficking in women in poorer countries. Most prostitutes and trafficked women in Germany have migrated from poorer European countries such as Bulgaria and Romania, as well as African countries such as Nigeria. The Agenda 2030 sustainable development goals cover the range of policies needed to reduce the vulnerability of girls and women to human trafficking and therefore the supply-side of human trafficking. In addition, TERRE DES FEMMES views the demand side as the key to reducing trafficking in women. Men purchase sex with women trafficked into sexual exploitation. A prohibition of the purchase of sex affects the profitability of the sex trade and thereby the incidence of trafficking in women.

### **Concerning e) eliminating violence against women.**

TERRE DES FEMMES considers prostitution to be a system of structural violence against women, and this is one reason why we propose a prohibition of the purchase of sex. Prostitutes and trafficked women are subject to physical, sexual and emotional violence; they are directly affected by policies surrounding prostitution. It is obvious why being trafficked entails violence against women, but in general, prostitution is dangerous for women. According to a study by the German government, over half of the women working as prostitutes have been raped, 68% experienced life-threatening violence, and overall prostitutes have been exposed to more violence both in their private lives as well as their professional lives than the average German woman (BMFSFJ (2004) "Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland"). Prostitution is not safe for women. It exposes them to violence and violates their human dignity.

### **Question 3**

The last decade of legislative changes in Germany has shown that a full legalisation of prostitution has not led to a reduction of harm, violence, or the stigma of prostitution. Of course, decriminalisation of the person in prostitution is key to protecting prostitutes from prosecution, imprisonment and the stigma of a prostitute as a 'criminal.' And TERRE DES FEMMES is well-aware that prohibiting the purchase of sex won't eliminate prostitution as a whole, but the effect on societal perceptions and the reduction of demand will better protect women from harm and violence. The focus on the demand side with fines for sex buyers and restrictions on advertisement has to go hand-in-hand with counselling and support for prostitutes to exit prostitution through alternative work opportunities, secure access to health care, awareness-raising at the societal level, as well as specialised police units proactively working to identify victims of human trafficking.

### **Conclusion:**

We hope that our analysis convinces UN WOMEN that the full legalisation of prostitution is not in the interest of women and does not achieve the goals set forth in international human rights instruments, CEDAW, the Beijing Platform for Action and the 2030 Agenda Sustainable Development Goals. TERRE DES FEMMES urges UN WOMEN to take a stand against prostitution and for gender equality and the human dignity of women worldwide.

## Written submission by Unizon, Swedish association for 130 women's shelters and young women's empowerment centers to UN Women's consultation regarding prostitution

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Women have the right not to be bought, sold, exploited or trafficked in prostitution. The United Nations (UN) and countries all over the world have over and over again confirmed that prostitution is a form of violence against women, an obstacle to gender equality and a crime against women's human rights. The UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others states 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 (...)"*

The UN Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) states that state parties *"shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women"*. Since its' adoption in 1979 the CEDAW has been reaffirmed every year by the Commission of the Status of Women (CSW) as well as at other UN conferences.

Prostitution is also utterly incompatible with the Sustainable Development Agenda and values of universality. To refer to prostitution as "work" or as a "trade" is the same thing as leaving thousands of persons in prostitution all over the world behind. To use words such as "work" or "trade" in relation to prostitution is to counteract universal and agreed language that defines prostitution as a crime against human rights and all of the above mentioned conventions.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

None of the targets mentioned can be fully achieved as long as women are bought, sold, trafficked and exploited in prostitution. The standalone goal of gender equality in the 2030 Agenda requires common efforts to fight prostitution and trafficking.

- a) Reproductive rights

Target 5.6 on reproductive rights in the 2030 Agenda refers to the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action (BPA), both of which have clear positions on prostitution. The Programme of Action of ICPD defines reproductive health as *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."* The Programme thereafter continues to say that reproductive health *"therefore implies that people are able to have a satisfying and safe sex life."* Being in prostitution and facing violence, threats and other risks in the sex industry is highly contradictory to this definition of reproductive rights. On prostitution the Programme of Action of ICPD states that countries *"should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes"*. Similar formulations on reproductive rights and prostitution can be found in the BPA.

b) Building peaceful and inclusive societies

Target 16.2 of the 2030 Agenda urges states to *"end abuse, exploitation, trafficking and all forms of violence against and torture of children"*. This target is closely tied to the issue of trafficking since many women entered prostitution as children and a majority of them have been trafficked for sexual purposes. Target 16.1 that also can be found under the goal on peaceful and inclusive societies requires states to *"reduce all forms of violence and related death rates."* In order to achieve this target states need to reduce prostitution. Persons in prostitution face a mortality rate 10 to 40 times above the average population (1).

c) Ending the trafficking of women

Trafficking in human beings is interlinked with prostitution at all levels. Prostitution fuels the global trafficking industry both by driving the demand and because sexual purposes is the most common reason that women are trafficked. A majority of the persons in prostitution have been trafficked. It is impossible to fight trafficking without fighting prostitution. Prostitution and trafficking are also addressed in combination to each other in documents such as the CEDAW, the BPA, the Programme of Action of the ICPD and many others.

d) Elimination violence against women

Since it is established that prostitution in itself is a form of violence against women it would be impossible to meet the target in question if prostitution would be referred to as "work" or as "a trade". In order to eliminate violence against women, sex purchase need to continue to be recognized as a crime. By default, women in prostitution needs to continue to be defined as "victims of a crime" and never as "workers".

A clear position on prostitution as a crime against women's human rights, and not as a "trade" or "work", is also a precondition for reaching many other goals and targets in the 2030 Agenda. For example:

*Goal 1 - End poverty in all its forms everywhere.*

Prostitution is closely linked to prostitution since almost all persons in prostitution are poor.

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<sup>1</sup> <http://www.womenlobby.org/18-myths-on-prostitution-read-and-share-EWL-awareness-raising-tool?lang=en>

*Target 3.3 - End the epidemics of AIDS (...) and other communicable diseases.*

Persons in prostitution face a 12 times greater risk of being infected by AIDS and other communicable diseases (UNAIDS, 2014). In order to fight the spread of HIV/AIDS among persons in prostitution we need to fight prostitution which apart from being a crime against women's human rights is an arena for spreading of infections.

*Goal 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.*

Prostitution and trafficking is a form of violence, a crime against women's human rights and also an obstacle to gender equality. Needless to say, prostitution is a contradiction to decent work. As long as women are trapped in prostitution the goal on full and decent employment can never be reached.

*Target 10.7 - Facilitate orderly, safe, regular and responsible migration and mobility for all people.*

A majority of persons in prostitution have been trafficked into the industry. But even apart from that an overwhelming majority of women in prostitution are migrants and immigrants. Prostitution and trafficking is therefore an obstacle to safe and responsible migration and mobility.

**Question 3)** The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Firstly there is no such thing as a "sex trade". What we have is a global industry that buys, sells, exploits and traffics women. The best way to protect women from harm, violence, stigma and discrimination is to prevent them from being drawn in to prostitution in the first place and after that to help them exit prostitution.

The most effective way to combat prostitution and trafficking is to target the demand, also known as the buyer. Best practice on how to target demand is found in countries like Sweden, Norway, Iceland and France where sex purchase is criminalized. In other words it is illegal to buy sex but not to sell sex.

This method have reduced street prostitution by half in Sweden (2), while no more stigma have been put on the women still in prostitution. The women in prostitution are victims of a crime and should receive protection and support as well as exit programs. Sweden is also a much smaller market for trafficking in persons than other comparable countries. The Swedish sex purchase act is broadly supported by persons in prostitution, social workers and the police.

The other option, to recognize prostitution as "work" and as a "trade" would not only be a breach against agreed language and several UN conventions and documents; it would also be a way to leave thousands of women and girls behind.

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<sup>2</sup> <http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

Prostitution can never be “work”. It has occupational hazards (3) that few other jobs come close to: 82 percent of people in prostitution have been physically assaulted, 83 percent have been threatened with a weapon, 68 percent meet the criteria for Post-Traumatic Stress Disorder in the same range as victims of torture and 68 percent have been raped. The death rate (4) among women in prostitution is higher than for any other group of women, including homeless women and drug addicts. Prostitution is mere violence and exploitation and is incomparable with any form of work.

The few countries that have decided to legalize sex purchase with the argument that it would be easier to control the industry if it is regulated have utterly failed. Very few women are registered as “workers” and the stigma against women in prostitution has not been reduced. In Germany for example, only 1 percent of persons in prostitution are registered as “sex workers.” When the German state’s official inquiry asked why, many women in prostitution replied that they hoped to get out of prostitution as soon as they could and that they did not want to see it as more than a temporary solution (5). Moreover, the so called “sex worker organizations” are run by the sex industry itself; pimps, brothel owners and escort services. The interests of these groups are to legalize all aspects of the sex industry through the labeling of prostitution as “work.”

Unizon consist of over 130 women’s shelters, young women’s empowerment centers, youth centers and rape crisis centers. The experience from the shelters and the latest research on pornography and prostitution is found in the report:

[http://unizon.se/sites/default/files/media/pornography\\_and\\_prostitution\\_report\\_unizon\\_2016.pdf](http://unizon.se/sites/default/files/media/pornography_and_prostitution_report_unizon_2016.pdf)

Zandra Kanakaris  
President  
Unizon

Olga Persson  
Secretary General  
Unizon

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<sup>3</sup> <https://archive.is/zUwm>

<sup>4</sup> <http://aje.oxfordjournals.org/content/159/8/778.full>

<sup>5</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal\\_government\\_report\\_of\\_the\\_impact\\_of\\_the\\_act\\_regulating\\_the\\_legal\\_situation\\_of\\_prostitutes\\_2007\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf)

**Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution**  
**Submission from Victims of Prostitution and Poverty Alliance (VOPPA)**

We, the undersigned are survivors of the sex trade, including prostitution, members from marginalized caste-communities suffering from intergenerational prostitution and other socio-economic exploitation and leaders in the movement to end violence and discrimination against women and girls. Collectively, we have experienced hundreds of years of abuse, violence, sexual violence, degradation, dehumanization as girls and women exploited in the sex trade, under the eyes of our respective governments. We were exploited and violated by sex buyers, pimps, traffickers and other others who bought us, sold us and profited from our exploitation, with impunity.

**Question 1)** The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

We are the women that the U.N., its agencies, governments and society have left behind, with impunity and at great risk to our lives. Many of our sisters around the world have perished in the sex trade, mostly unaccounted for in large part due to the low status our respective countries and cultures have assigned us. To answer your question, we can never, and will never, interpret these principles in relation to “sex work” as you posit, because what we endured at the hands of sex buyers, pimps, brothel owners, traffickers and our other exploiters was neither sex, nor work, but an endless stream of violence, degradation and dehumanization imposed on our bodies and minds.

Examining prostitution within the universality of human rights calls on UN Women to take stock of the respective histories of the U.N.’s member states and remember why the Universal Declaration of Human Rights and other international covenants were signed and ratified. Through these covenants, governments pledge to act as responsible members of an international community that strives to remedy the wrongs created by wars and conflict, violence and discrimination by those who have power over those who do not. Collectively, an overwhelming percentage of prostituted women and girls are Aboriginal, Indigenous, First Nations, or Native to their countries. We are African or of African descent; Latina or of Latin American descent; Asian or of Asian descent; minorities within our own countries, such as Roma or from “Scheduled Castes.” The almost universal colonization of Indigenous peoples had a doubly negative impact on the populations’ women and girls, who suffered the worst kinds of sexual violence and discrimination. If the goals of the 2030 Agenda are to leave no human being behind, then UN Women cannot ponder whether the sex trade is a viable form of employment in the lives of our sisters and daughters.

**Question 2)** The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The only policies that are viable in addressing prostitution within women's rights is for governments to target the demand for prostitution by penalizing sex buyers; to provide comprehensive services to prostituted women and girls and offer them viable exit strategies to leave the sex trade. Prostitution and the targets listed in this question are wholly incompatible with each other and in fact, prostitution destroys every SDGs. Without fully addressing the prostitution of women and girls, we guarantee that the U.N. and its member states will never achieve full justice and rights for women.

It is impossible within the context of prostitution for women to exercise their full rights, to secure reproductive rights, to end the trafficking of women, eliminate violence against women, to secure justice and freedom from exploitation. Prostitution embodies violation and discrimination against women within the aspects of economy, politics, culture and gender. We know of no woman who has developed her full potential or built economic security through prostitution; the minute she is no longer bought, she is bereft of income with no financial security.

A "sex work" model gives state-sanctioned licenses to pimps, brothel owners and sex buyers, which is antithetical to human rights principles and the integrity of international law, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), to name just three conventions.

The 1949 Convention of 1949 articulates specifically that prostitution and trafficking and such slavery like practices "... are incompatible with the dignity and worth of the human person...." Article 6 of CEDAW states that "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Article 9.5 in the Palermo Protocol calls on State Parties to take measures to discourage the demand that fosters the exploitation of persons that lead to trafficking, meaning that any national or international policies that call for the decriminalization of sex buyers are in direct contravention of the Palermo Protocol.

We urge UN Women to analyze prostitution within these legal contexts, and within the scope of the Universal Declaration of Human Rights, as gender-based sexual abuse and exploitation.



**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

The vast majority of prostituted persons everywhere are female, and in our cases coming from marginalized caste communities. Most of us have been prostituted and sex trafficked since childhood. Prostitution is by definition an exploitative system of unequal gender relations, which operates to subjugate and oppress women.

Many of us, as the undersigned, work in our communities providing front-line services to women and girls in prostitution. Regardless of our respective jurisdictions and legal frameworks governing prostitution, the harm, violence, stigma and discrimination are the same across the board for all prostituted women and girls. The factors that catapulted us into the sex trade are the ones that we see in the women and girls we serve: poverty, homelessness, childhood sexual violence or incest, racial or ethnic disenfranchisement, vulnerable after conflict or natural disasters, militarization of our regions, and always, an absolute absence of choice. Like us, these women and girls are bought, sold and used with impunity by adult men who are financially, socially and racially privileged in relation to them.

Our expertise shows that the best way to protect women bought and sold in the sex trade is to provide them with the services they urgently require: basic needs for their and their children's survival (food, housing, clothing, medical services, childcare) and tools to help them rebuild their lives (education and training, psychological or psychiatric treatment and counseling, substance abuse rehabilitation). Also critically important is to advocate for laws and policies that exonerate them from police arrest and criminal punishment and instead hold their sex buyers accountable for the irreparable harm they perpetrate.

Although we have rarely, if ever, come across a prostituted woman whose life experience did not include any of the vulnerability factors that are linked to prostitution, we could concede for purposes of this consultation that a microscopic minority might claim that prostitution was a free and clear choice. Our colleagues who work with victims of intimate partner violence might also encounter women who are not capable or ready, for whatever reason, to leave their batterers. In neither case should governments develop laws and policies that exonerate perpetrators because of the so-called choices of these women. Similarly, UN Women is charged with ensuring that governments uphold CEDAW and other conventions that protect the rights of women and girls. Taking a position that would lead to qualifying prostitution as a form of work would violate UN Women's mission and irreparably contradict the principles of the 2030 Agenda. The global, multi-dollar sex trade is linked to organised criminal networks that profit immensely and illegally from the sale of women and girls for sexual acts, and counting on sex buyers to sustain such incalculable profits.

UN Women's mission is to challenge gendered inequalities that violate the fundamental rights of women and girls, through prostitution, sexual exploitation, and sexual abuse. UN Women's role is to support a global women's and girls' rights movement dedicated to creating economic and social conditions and ensuring legal protections for women and girls in order to ensure that they never have to endure the suffering, violence and the denial of dignity that we survived. And if they tragically do, that they access to justice. Our answers



here are a call to UN Women and the UN system as a whole to uphold international laws and human rights principles that will prevent and protect all women and girls, including those in prostitution and the sex trade at large.



Submission from the Villanova Law Institute to Address Commercial Sexual Exploitation (CSE Institute) to the UN Women Consultation on Approaches to Sex Work, the Sex Trade and Prostitution.

As a preliminary matter, the CSE Institute has concern regarding the terms of the Consultation and encourages UN Women to avoid use of the term “sex work,” or any of its variations. At a minimum, such usage is inconsistent with international law. Indeed, as the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949 Convention), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), considered together, recognize, prostitution, as actually practiced in the world, constitutes a harmful human rights violation that both results from and perpetuates discrimination against women. Moreover, the term “sex work” has the effect, if not the purpose, of framing commercial sexual exploitation as a legitimate employment choice, which is contrary to reality. In contrast, terms such as commercially sexually exploited persons, trafficking victims, and prostituted persons more appropriately reflect the realities of prostitution.

**Answer to Question 1: Recognizing Prostitution as a Legitimate Form of Employment is Contrary to Agenda 2030’s Commitment to Universality, Human Rights, and Leaving Nobody Behind**

UN Women can fulfill its commitment to the principles of universality, human rights, and leaving nobody behind by adopting an abolitionist approach to the commercial sex industry. Specifically, it should endorse laws and policies consistent with a “Nordic Model,” which decriminalizes selling/being sold for sex; holds traffickers, pimps, and buyers accountable; and provides real and acceptable alternatives for those harmed in the sex trade. Below, we illustrate how each of the 2030 Agenda principles is best-promoted by the abolitionist approach.

The abolitionist approach promotes the 2030 Agenda’s commitment to universality.

As the 2030 Agenda states, “[w]e envisage a world of *universal* respect for human rights and human dignity.”<sup>1</sup> Such a vision is inconsistent with a world in which some people—typically those with the fewest options, resources, and protections—are sold for sex. Even when someone “chooses” to enter prostitution, typically this “choice” results from a “situation in which the person involved has no real and acceptable alternative” and thus does not represent any

<sup>1</sup>G.A. Res. 70/1, ¶ 8 (Sept. 25, 2015).

legitimate choice.<sup>2</sup> As such, adopting the abolitionist approach and rejecting legalization of prostitution is consistent with the fulfillment of the 2030 Agenda as it relates to universality.

The abolitionist approach promotes the 2030 Agenda's commitment to human rights.

From its inception, the UN has recognized the fundamental human right of dignity.<sup>3</sup> Moreover, the UN has specifically recognized that prostitution is “incompatible with the dignity and worth of the human person.”<sup>4</sup> *Quite simply, prostituted persons are human beings* who deserve the same human rights and protections as all other classes of exploited persons. Punishing them for being prostituted, or legitimating their abuse through legalization of the sex trade, fails to respect these basic human rights. Thus, adopting an abolitionist approach to prostitution is the most effective means to advance Agenda 2030's commitment to human rights.

The abolitionist approach promotes the 2030 Agenda's commitment to leaving nobody behind.

As long as prostitution exists, those with the fewest options will be left behind. We strongly encourage UN Women to recognize prostitution for what it truly is, an institution that exploits its victims—mostly women and girls—and fails to recognize their value as human beings. “[A] world in which women are not valued as human beings tends to be a world in which harms to prostituted people will be common; a world in which such harms are common tends to be one in which women are not valued as human beings.”<sup>5</sup> This self-perpetuating cycle is inconsistent with Agenda 2030's commitment to leaving nobody behind.

**Answer to Question 2: The UN's Sustainable Development Goals (SDG) of Achieving Gender Equality and Empowering all Women and Girls Can Be Achieved Only By Adopting an Abolitionist Policy Towards Prostitution**

Simply put, gender equality and prostitution cannot co-exist; they are mutually exclusive. Thus, if the UN is committed to the goal of achieving gender equality and empowering all women and girls, the UN *must* adopt an abolitionist policy towards prostitution. Only an abolitionist policy can achieve the SDG's target of ending the trafficking of women; any policy that stops short of abolition is a policy of conscious avoidance of human trafficking. An abolitionist policy would

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<sup>2</sup> *Interpretative Notes for the Official Records (Travaux Préparatoires) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, ¶ 63, UN Doc. A/55/383/Add.1 (Nov. 3, 2000).

<sup>3</sup> U.N. Charter pmbl. (“reaffirm[ing] faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”).

<sup>4</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others pmbl., Dec. 2, 1949, 96 U.N.T.S. 271.

<sup>5</sup> *Id.* at 1737.

go further than ending trafficking, however, and would significantly impact SDG targets of (1) reproductive rights, by removing a woman's body from the position of tradable commodity and returning it to her dominion; (2) women's ownership of land and assets, by transforming a woman's role in society from that of product to that of a full and equal member of the human community; (3) building peaceful and inclusive societies, again, by positioning women as humans and not as "items" to be used, which can easily be abused when their use becomes unsatisfactory to the purchaser; and (4) eliminating violence against women, by refusing to ignore the human rights violations endemic to prostitution.

That prostitution is a violation of basic human rights has long been recognized by the international community. As noted above, the 1949 Convention specifically recognized that prostitution is "*incompatible with the dignity and worth of the human person*."<sup>6</sup> Despite this long-acknowledged truth, "[i]n some domestic legal systems, men have been granted a *legal* right to engage in the use of prostituted persons."<sup>7</sup> As noted in a 2006 Report of the Special Rapporteur ("2006 Report"), while the Palermo Protocol does not absolutely prohibit the granting of this legal right, "[i]t does, however, require States to act in good faith towards the abolition of all forms of child prostitution and all forms of adult prostitution in which people are recruited, transported, harboured, or received by means of the threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability . . . ."<sup>8</sup>

As this report also noted, "[w]here the human rights of trafficking victims conflict with the legal rights granted to prostitute-users, the human rights of trafficking victims must prevail."<sup>9</sup> Yet, governments that have chosen to legalize prostitution consistently fail to meet their "heavy responsibility" of "ensur[ing] that the conditions which actually pertain to the practice of prostitution within their borders are free from the illicit means" enumerated in the Protocol.<sup>10</sup> Why? Because, as the UN has recognized since at least 1949, prostitution is "incompatible" with human dignity. Given the reality that, "prostitution as actually practised in the world usually *does* satisfy the elements of trafficking," the human rights of trafficking victims are bound to conflict with the legal rights granted to prostitute-users.

Context for understanding the fundamental incompatibility between prostitution and gender equality is provided by CEDAW, which explains that "consent" to prostitution typically reflects

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<sup>6</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others pmbl., Dec. 2, 1949, 96 U.N.T.S. 271.

<sup>7</sup> Sigma Huda (Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children), Comm'm on Human Rights, *Integration of the Human Rights of Women and a Gender Perspective*, U.N. Doc. E/CN.4/2006/62, at 15 (Feb. 20, 2006).

<sup>8</sup> *Id.* at 8.

<sup>9</sup> *Id.* at 15.

<sup>10</sup> *Id.* at 9.

lack of options, rather than legitimate choice because, “in situations of poverty[,] women have the least access to food, health, education, training and opportunities for employment.”<sup>11</sup> It is this systemic gender inequality—not informed, free choice—that leads women to a life of prostitution, a life that maintains them perpetually in a state of societal inferiority linked to their gender. In short, prostitution is a harmful and oppressive human rights violation, exploitive of women, that both *results from* and *fosters* gender inequality. Thus, to achieve its goals of gender equality and the empowerment of girls and women, the UN must adopt an abolitionist policy towards prostitution.

### **Answer to Question 3: UN Women Can Best Protect Women in the Sex Trade From Harm, Violence, Stigma, and Discrimination By Adopting an Abolitionist Policy Towards Prostitution**

The best way to protect women in the sex trade from harm, violence, stigma, and discrimination is by adopting the abolitionist policies that eliminate any legal sanction against those who sell/are sold for sex; that hold traffickers, pimps, and buyers accountable; and that provide robust social services to those seeking to exit the sex trade, thereby ensuring real and acceptable alternatives for those harmed in the sex trade.

Criminalizing women in the sex trade creates additional harm, violence, stigma, and discrimination—all of which are exacerbated by unequal and discriminatory law enforcement patterns. Police often target sellers, while buyers completely avoid arrest—their crimes justified by a “boys will be boys” attitude. As a consequence, women are frequently incarcerated for prostitution, while men are rarely incarcerated for buying sex. On the other hand, full legalization of the commercial sex industry will not eliminate the harm, violence, stigma, and discrimination experienced by women in the sex trade. Rather, legalization is likely to increase trafficking, thus resulting in further harms.<sup>12</sup> Ultimately, the harms of the sex trade cannot be marginally reduced by attempting to draw boundaries for permissible exploitation; it can only be, and must be, eradicated in order to achieve UN Women’s stated goals.

In conclusion, any policy short of abolition turns a blind eye to ongoing discrimination and human rights violations against women and fails to fulfill UN Women’s commitments under Agenda 2030 and the Sustainable Development Goals.

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<sup>11</sup> Convention on the Elimination of All Forms of Discrimination Against Women art. 6, Dec. 18, 1979, 1249 U.N.T.S. pmbl.

<sup>12</sup> Seo-Young Cho, Axel Dreher, & Eric Neumayer, *Does Legalised Prostitution Increase Human Trafficking?*, 41 WORLD DEVELOPMENT 67 (2013).



## **Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution**

### **Contribution from the Women's Democratic Movement – Portugal**

#### **Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

Those principles should be implemented in compliance with International Human Rights Law (HRL) that recognizes prostitution as a violation of human rights and specifically prohibits exploitation of the prostitution of others, including pimping, procuring and the running of a brothel. States and UN agencies have a direct, binding obligation to oppose any normalization of prostitution and to work towards the elimination of its exploitation. Therefore, the statement “UN Women does not have an explicit policy position with regard to sex work, the sex trade or prostitution” it's a surprising one because the agency is obliged to act according, at least, two binding UN Conventions: CEDAW and the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the prostitution of Others.

Also, there are many legal instruments that bind the UN member states: Articles 4 and 5 of the 1948 Universal Declaration of Human Rights, the UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Article 6 of the CEDAW Convention of 1979 which seeks to combat all forms of traffic in women and the exploitation of the prostitution of women, the 1989 UN Convention on the Rights of the Child, the UN Declaration of 1993 on the Elimination of Violence against Women (Article 2 of which states that violence against women includes: “physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution”, the 2000 Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, annexed to the UN Convention against Transnational Organized Crime, the D.3 strategic objective of the 1995 Platform for Action and the Beijing Declaration, the ILO Convention No 29 on forced or compulsory labour (Article 2 of which defines forced labour), the International Organization for Migration (IOM) Brussels Declaration (11) on preventing and combating trafficking in human beings, the Council of Europe recommendations in this field (such as Recommendation No R 11 of 2000 on trafficking in human beings for the purpose of sexual exploitation, Recommendation No R 5 of 2002 on the protection of women against violence, and Recommendation 1545 of 2002 on the campaign against trafficking in women), the Council of Europe Convention on Action against Trafficking in Human Beings, and many others.

Many of these legal instruments are adamant, considering prostitution as a form of violation of the human rights of women and girls, as well as in the determination of the non value on consent on the matter of trafficking, it is an absolute oxymoron the qualification – whether it is political or legal – of the prostitution or the alleged sex work as consented or non consented. It would be the same as if domestic or gender violence could be consented or not consented, and, therefore, legal.

Prostitution is gendered phenomena with a global dimension, involving around 40-42 million people worldwide, with the vast majority of prostituted persons being women and under-age females, and almost all buyers being men, and whereas it is therefore both a cause and a consequence of gender inequality which it aggravates further.

Prostitution is a form of slavery incompatible with human dignity and fundamental human rights. On the contrary, work is one of the main sources of human self-realisation, through which individuals make a supportive contribution to collective wellbeing. Prostitution is intrinsically linked to gender inequality in society and have an impact on the status of women and men in society and the perception of their mutual relations and sexuality. It functions as a business and creates a market, with different actors being interlinked and where pimps and procurers are calculating and acting to secure or increase their markets and maximizing profits, and whereas the buyers of sex play a key role as they maintain the demand in this market. It reduces all intimate acts to their monetary value and diminishes the human being to the level of merchandise or an object to be used by the client.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as**

**a) reproductive rights b) women's ownership of land and assets c) building peaceful and inclusive societies d) ending the trafficking of women e) eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

By fulfilling - States and UN agencies – their obligations under HRL with regards to prostitution and its exploitation. Both must ensure policies towards the elimination of prostitution and the protection of its victims, and keep in mind that both are de facto prohibited from implementing policies that would encourage prostitution and thereby foster a violation of human dignity. All policies that justify, promote or normalize prostitution as “sex work” are incompatible with established and binding UN human rights legislation.

Prostitution and the sexual exploitation of women and girls are forms of violence and as such are obstacles to equality between women and men. Virtually all of those who buy sexual services are male. Exploitation in the sex industry is both a cause and a consequence of gender inequality perpetuating the idea that women's and girls' bodies are for sale.

Prostitution is a very obvious and utterly appalling violation of human dignity. It's an inseparable reality from social inequality and from the inequalities between man and women which are still the cause of unacceptable forms of violence, oppression and aggression towards the dignity of women and girls. Prostitution is not an individual action of a person that rents his/her body for money, but an organized system, aiming profits, a business in which are actors the client, the pimp and the prostituted person, and it earns the pimping millions of euros/dollars in profits. To launder this reality is intolerable.

Human dignity is specifically mentioned in the Charter of Fundamental Rights and in Portugal, the Republican Constitution grants every person the right to dignity, health, social security, equality and, as such, the trade of human bodies – as sex work implies – is not compatible with such fundamental rights, nor with the conventions ratified by the Portuguese State, which clearly sanction exploitation in prostitution and do not recognize consent in trafficking.

Therefore, in prostitution there are no «safe zones» to women and girls: in the countries where the sex industry has been legalized and promoted to a legitimate business, pimps are now respectable business men, while the situation of women and children has registered a worsening of all forms of exploitation and violence which they are subjected to. The way to engage with policies that promote such targets must, inevitably, take in course of action, sexual education since early ages, family planning and universal right and access to health services (namely for women and girls).

And policies that promotes the autonomy and emancipation, including the access to work with rights and equal salary, for is well known the gender discrimination that is observed in the number of women unemployed and with lower salaries around the world.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

Please keep your response to the above questions to a maximum of 1,500 words in total. Your responses to the above questions will be very valuable for UN Women. There's no better way to protect women and girls in a trade that is by nature discriminatory, extremely violent and deeply inhumane unless we stop all attempts to make it acceptable - regulating, legalizing pimping and making the violation of human right a so call "work or profession". It is essential to require the implementation of policies to eliminate the exploitation of prostitution, eliminate all repressive measures against prostituted persons and offer them protection and exit options; and penalize the purchase of sexual acts as the UNSG Special Bulletin - "Special measures for protection from sexual exploitation and sexual abuse" (2003) define and impose.

Women's Democratic Movement – Portugal - suggests as measures to protect women and girls:

- Creation of common frameworks of provisions on action to combat the underlying causes of prostitution (such as unemployment, poverty, lack of social security and social services, inequalities between women and men); criminalization, sanctions and improved cross-border cooperation on protection from sexual abuse and exploitation;
- Designing national policies and strategies on judicial assistance (namely by exempting from costs), free legal and health services to prostituted women and trafficking victims;
- Developing actions to put an end to sex tourism;
- Taking measures to combat sexual exploitation and prostitution on war-affected areas, in accordance with UN Security Council resolutions 1325 of 31 October 2000 and 1820 of 19 June 2008;
- Discourage the demand for exploitation through prostitution and human trafficking for sexual exploitation by passing laws that consider prostitution a violation of human rights;
- Developing worldwide information campaigns to combat stigma and discrimination against women and girls in prostitution.

**Lisbon, October 14, 2016**





**Ženska mreža Hrvatske**  
**Women's Network of Croatia**  
 Tel/fax: +385(1)455 11 42  
[zenskamrezahrvatske@gmail.com](mailto:zenskamrezahrvatske@gmail.com)  
<http://www.zenska-mreza.hr>  
 Kralja Držislava 2  
 10 000 Zagreb, Croatia



**PETRA - mreža nevladinih organizacija za**  
**Prevenciju i Eliminaciju TRgovanja ženama**  
**PETRA Network against trafficking in women**  
[www.petra-nvo.net](http://www.petra-nvo.net)  
 Tel: +385 (1) 4551 128

Written submission to UN Women's consultation seeking views on prostitution and sex trade

Zagreb, 30 October 2016

Women's Network of Croatia (WNC) consists of 34 feminist and women's rights organizations from Croatia with a long experience of twenty years in combating all forms Violence Against Women (VAW). In preparation for this submission, WNC has consulted survivors of prostitution, grass roots activists and expert women's organisations. WNC is a member of European Women's Lobby. Our unswerving position is that prostitution/sex trade is a form of violence, exploitation and inequality based on a continuum of male sexual violence against women. It is a violation of human dignity and women's human rights.

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

1.1. WNC and PETRA Network emphasise that "sex work" is not an official UN terminology and contravenes such legally binding instruments as CEDAW, the UN 1949 Convention on prostitution and trafficking and the Palermo Protocol.

1.2. Prostitution/sex-trade is a commercial sexual act in which sex buyer obtains sex seller's consent in exchange for material remuneration, and not as a result of her affirmative sexual desire. Prostitution/sex trade has a close affinity with a host of other important social issues, in particular crime, drugs, sexual equality, poverty and health.

1.3. Whether a woman is physically forced, psychologically coerced or decides to consent to unwanted sex out of economic necessity, prostitution – in all its forms – lies on a continuum of unwanted sexual experience and is an assault on human dignity, integrity and autonomous sexuality and a violation of the universal right to life free from violence.

1.4. The majority of women in prostitution wish to exit<sup>1</sup>. About 50% of women in the sex trade entered before they were eighteen and up to 95% of women in street prostitution are problematic drug users.<sup>2</sup> About 55-90% of women in prostitution survived sexual violence during childhood, and 59% abuse.<sup>3</sup> About 87% of women in prostitution in Germany (which

<sup>1</sup> Farley, M.; Prostitution and Trafficking in Nine Countries, 2003

<http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

<sup>2</sup> Paying the Price, 'A Consultation Paper on Prostitution, Home Office 2004

<sup>3</sup> Ibid, Farley, M.

has more than 400 000 women in prostitution) survived physical violence before the age of 16, and 65% of women survived physical and 50% sexual violence<sup>4</sup>. The system of prostitution uses these childhood traumas to their own benefit and profit.<sup>5</sup> With the opening of Europe to the East, women come from the poorest regions of Europe: Romania, Bulgaria - and often women belonging to minority groups, Roma women and those living in poverty. Today, only in Germany about 95% from all women in prostitution are coming from other countries. This proves that this system is closely linked to other patriarchal projects, such as (neo)colonialism, race/ethnicity/nationality, caste/class divides, as well control and segregation through precarious material, legal and citizenship status.

1.6. Despite the progress made in many areas of women's rights, the patriarchal structures of power continue to dominate global societies. Military prostitution was a most important vector in the globalization and industrialization of prostitution in the late 20th century. The industry of prostitution is most developed and entrenched in those countries in which militaries such as the US and Japan in the 1930s and 1940s set up prostitution systems.<sup>6</sup> The breakdown of the Eastern Bloc and the wars in the former Yugoslavia during the 90's confirm this rule. During the wars in this region, specially in Bosnia and Hercegovina rape was a 'weapon of the war'<sup>7</sup> and one of the direct consequences was system of prostitution which has been established through more than 260 bars. They were really brothels, 'housing up to 5000 Eastern European women who've become nothing more than playthings for the international soldiers and staff (including NATO peacekeepers)'. Deeply misogynistic attitudes of men are best illustrated in a way how trafficked women are viewed in the eyes of international police such as 'just prostitutes', 'whores seeking a free ride home' etc.<sup>8</sup> The extent of sexual violence against women in Croatia during and after the war in the occupied territories (including rape and trafficking in women for prostitution) to these days, 25 years after the war, are not completed yet.

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as

- a) reproductive rights
- b) women's ownership of land and assets
- c) building peaceful and inclusive societies
- d) ending the trafficking of women
- e) eliminating violence against women.

How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

With fulfilling - by States and by UN agencies – their obligations under HRL with regards to prostitution/sex trade and its exploitation. Both must ensure policies towards the elimination of prostitution/sex trade and the protection of its victims taking into consideration that both are de facto prohibited from implementing policies that would encourage prostitution and

<sup>4</sup>Zumbeck, Sibylle: Die Prävalenz 3 traumatischer Erfahrungen, Posttraumatische

<sup>5</sup> Zumbeck, Sibylle: Die Prävalenz 3 traumatischer Erfahrungen, Posttraumatische Belastungsstörungen Dissoziation und bei Prostituierten, Hamburg 2001

<sup>6</sup> Sheila Jeffreys: The Industrial Vagina (The political economy of the global sex trade), page 107

<sup>7</sup> Women in Black Belgrade; War crime rape, Belgrade, 2013

<http://www.zenskisud.org/pdf/Ratni%20zlocin%20silovanje%20citanka.pdf>

<sup>8</sup> Malarek, V.; The Natashas: The new global sex trade, chapter 8. Bosnian nights

thereby foster a violation of human dignity. All policies that justify, promote or normalize prostitution as “sex work” are incompatible with established and binding UN human rights legislation.

Prostitution/sex-trade is contrary to SDG5 and is incompatible with its targets and objectives.

- a) Reproductive Rights: Prostitution prevents women from attaining full SRHR and sexual autonomy by de-legitimizing sexual desire of women in prostitution and subjecting women/girls, both within and outside sex market(s), to gendered expectations of performative female sexuality. The notion of “sex-work” promotes deeply misogynist ideas that it is OK for a woman to tolerate unwanted sexual acts while reinforcing primacy of male sexuality. Reproductive rights of women are not reduced to the legal, safe, accessible and free abortion and/or absence of violence at birth; women whose reproductive functions are commercialized through prostitution suffer direct violation of their reproductive rights through immediate and long-term harmful consequences on their reproductive health, fertility, maternity and private sexual relationships.
- b) Asset Owning: The existence of sex-trade prevents women from exercising their rights to ownership of land/assets historically held by men as dominant titular of the property rights which is a direct consequence of patriarchy. Historical continuum of prostitution/sex trade confirms that the existence of this system prevents women to develop their full human and economic potential.
- c) Inclusive Societies: No peaceful and inclusive society can be achieved as long as violence and objectification women, perpetrated through prostitution, is tolerated.
- d) Trafficking: Prostitution/sex-trade and what is mistakenly labeled as “sex-work”, is a market where trafficking in women for sexual exploitation takes place. This link is recognized by the Beijing Platform for Action, the Palermo Protocol and CEDAW.
- e) VAW: Prostitution is a form of VAW through unwanted sex and failure to recognize it as such is incompatible with any framework that addresses VAW. Furthermore, the rates of women subjected to violence and murder in the settings where prostitution is regulated and/or sex buyers and third parties are decriminalized, is a direct evidence that sex-trade, in itself, is a system that promotes male violence against women.

As long as prostitution/sex-trade in women is tolerated and/or framed as “work”, it is impossible to imagine that any of the SDG5 objectives can be effectively promoted. All policies concerned with women's rights, gender equality and safety and dignity of women currently engaged in and/or at risk of prostitution/sex-trade, should: challenge misogynist norms and patriarchal notions perpetuating inevitability and/or normalization of prostitution, promote evidence-based, misogyny-free, gender-disaggregated analysis of prostitution/sex trade, target the root causes of systemic, structural and cultural foundations of prostitution/sex-trade/sexual exploitation of women, in line with SDG5 objectives, Article 5, 6 and 7 of CEDAW Convention, Palermo Protocol and UN Charter on Human Rights and abolishing the system of prostitution/sex-trade that invariably endangers women's rights both within and outside of sex-trade markets.

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Historically, women around the globe endured unwanted sexual acts, such as those that take place in prostitution, in various other contexts, including family, work or public. UN WOMEN should adopt a policy that recognize sex trade as a form of systemic, structural and inter-personal violence, within which no woman can be “protected from harm, violence, stigma and discrimination”, regardless what legal forms or material settings prostitution/sex-trade takes.

UN WOMEN – should adhere to the international standards of gender equality and women's rights, condemn prostitution as form of male violence and work towards the following short- and long-term objectives:

- WOMEN'S SRHR & VAW: Promoting a comprehensive analytical and legal framework that recognizes sexual autonomy, dignity, integrity and well-being of women as inalienable right of all women, without bias to their legal, migratory, economic or family status
- DECRIMINALISING PROSTITUTED PERSONS: Promoting a legislative framework that decriminalizes all prostituted persons, without bias to their legal, migratory, economic or family status.
- ECONOMIC EMPOWERMENT OF WOMEN: Securing funds for & promoting economic empowerment of women with the interests of most vulnerable & most marginalized women at its heart, including, but not limited to, investing in long-term viable exit-programs for prostituted persons
- CURBING MEN'S DEMAND: Promoting a legislative framework that clearly recognizes buyers of sex as perpetrators of violence and introduces effective measures discouraging male sexual entitlement and male-driven demand for prostitution, including, but not limited to, punitive actions, education and awareness-raising among men.
- SEXUALITY EDUCATION: Designing and promoting Comprehensive Sexuality/Sexual Relationship Education, with a strong emphasis on:
  - a. Empowering female sexuality, encouraging female sexual autonomy, promoting authentic non-performative sexuality for ALL women
  - b. *Deconstructing primacy of male sexuality*, discouraging male sexual entitlement and male demand for paid sex
  - c. Deconstructing patriarchal myths that promote prostitution as “sex-work”, “oldest women's profession” and otherwise viable economic activity for women
  - d. Educating youth about the harms done by sex-trade to both women and men, within and outside the system of prostitution.

- **RESEARCH ON PROSTITUTION:** Encouraging and directing funds to objective, misogyny-free research on prostitution.

**"Consultation d'opinion sur l'approche d'ONU Femmes concernant le travail sexuel,  
le commerce sexuel et la prostitution"**

**Contribution d'expertes portugaises - égalité de genre**

*Maria do Céu da Cunha Rêgo, juriste, experte/ égalité entre les femmes et les hommes*

*Ana Sofia Fernandes, experte / égalité entre les femmes et les hommes*

*Isabel Romão, experte / égalité entre les femmes et les hommes*

*Ana Manuela de Castro Coucello, experte / égalité entre les femmes et les hommes*

*Regina Tavares da Silva, experte / égalité entre les femmes et les hommes*

*Alexandra Silva, chercheuse et activiste en égalité entre les femmes et les hommes*

**Question 1)** Le programme Horizon 2030 s'attache à l'universalité, aux droits humains et à la prise en compte de tous. Comment interprétez-vous ces principes dans le cadre du travail/commerce sexuel ou de la prostitution ?

**Réponse (RQ1)** - Toutes les personnes concernées – personnes en prostitution, dont la plupart sont des femmes, clients, proxénètes, intermédiaires, personnes à titre individuel ou organisées à titre formel ou informel qui fournissent d'autres personnes pour la prostitution – sont des sujets des droits humains et toutes doivent être pris en compte.

À notre avis, l'article 6 de la « CEDAW » prend une position juridique claire sur la prostitution, en obligeant les États parties à la suppression, sous toutes leurs formes, du trafic des femmes et de l'exploitation directe ou indirecte de la prostitution des femmes, ce qui implique le refus du système prostitutionnel des femmes. Cette norme s'applique par interprétation extensive indépendamment du sexe, ce qui implique le refus du système prostitutionnel en général. Un refus que certains États ont déjà développé par législation pénale visant les clients qui nourrissent le système, et par le support à l'indépendance économique des personnes concernées qui le veulent.

D'où :

- a) Toute personne capable d'auto détermination sexuelle doit être libre de se prostituer et ne doit pas être puni par l'Etat ni socialement stigmatisée de ce fait. Mais cette personne ne peut pas exiger d'un Etat partie à la « CEDAW », (d'ores et avant Etat « CEDAW ») la création de conditions juridiques contradictoires à la Convention. Notamment, que l'État
  - i) - favorise, par action ou omission, les conditions prévues dans l'article 6;
  - ii) - reconnaisse par quelque moyen juridique à la personne en prostitution soit un statut professionnel indépendant - ce que serait incompatible avec le refus du système prostitutionnel – soit un statut professionnel par compte d'autrui – une évidente modalité d'exploitation de la prostitution;
  - iii) - crée des services spécifiques de protection des risques, notamment en matière de santé et de sécurité, ce que serait accepter et non refuser le système prostitutionnel.

Par contre, elle peut exiger de cet Etat :

1. - des mesures spécifiques :
    - a. dissuasives de stigmatisation sociale, notamment en matière de crédibilité générale et de respect en tant que personne, de capacité d'exercice de responsabilités inhérentes à la maternité ou à la paternité, mais aussi par la négation d'un attachement coincé à un « destin social » déterminant la perte de la liberté de choix pour la vie future ;
    - b. de support à l'indépendance économique soit dans le marché de travail, soit par travail professionnel indépendant des personnes en prostitution qui le veulent;
    - c. d'ouverture des systèmes d'assurance sociale volontaires ou équivalents pendant une période raisonnable, pour permettre aux personnes en prostitution dont les conditions de changement soient difficiles, d'avoir une protection sociale appuyée par des fonds publiques ;
  2. - en termes généraux :
    - a. de l'information approfondie sur la matière, notamment sur les risques qui peuvent subir les personnes qui se prostituent – des maladies, des violences, des tortures, des traitements dégradants ou humiliants, de l'esclavage et même la mort ;
    - b. des réponses, s'il y en a besoin, notamment de santé, de sécurité et d'appui social, au-delà de l'indiqué à 1. c) de cet alinéa a).
- b) Toute personne - à titre individuel ou organisé formellement ou informellement - qui gagne de l'argent à fournir des personnes pour la prostitution, ne peut qu'attendre d'un Etat « CEDAW », qu'il accomplisse son obligation juridique de prendre toutes les mesures appropriées, notamment législatives y comprises dans le domaine pénal, pour supprimer cette forme de gagner de l'argent.
- c) Toute personne cliente ne peut pas exiger d'un État « CEDAW » qui la protège spécifiquement des risques - notamment en matière de santé et de sécurité - qui pourraient résulter de l'acte de prostitution, ce que serait accepter et non refuser le système prostitutionnel.
- Par contre, cette personne peut exiger dudit État, en termes généraux, de l'information approfondie sur la matière et des réponses adéquates, s'il y en a besoin, notamment en matière de santé.
- d) Les victimes du système de prostitution ont droit à exiger des États « CEDAW » auxquels elles soient liées par nationalité, permanence, ou résidence légale ou illégale : protection policière et sociale, notamment, appui psychologique, médical et financier, habitation, éducation, formation professionnelle, accès à l'emploi ou au travail indépendant et à la sécurité sociale, dans un cadre systémique d'actions positives cohérentes et soutenables, tant que possible compensatoire d'une situation d'abus intolérable de laquelle les États et les sociétés concernées n'ont pas été capables de les défendre.

**Question 2)** Les Objectifs de développement durable (ODD) ont pour ambition de parvenir à l'égalité des sexes et d'autonomiser les femmes et les filles. Les ODD comprennent également plusieurs cibles relatives à l'autonomisation des femmes, telles que :

- a) les droits reproductifs
- b) l'accès des femmes aux terres et aux biens
- c) le développement de sociétés paisibles et inclusives
- d) l'élimination du trafic des femmes
- e) l'élimination de la violence à l'égard des femmes.

Selon vous, comment les politiques relatives au travail, au commerce sexuel et à la prostitution peuvent-elles favoriser ces cibles et ces objectifs ?

**Réponse (RQ2)** - Comme on défend que la « CEDAW » est incompatible avec le concept de « travail sexuel », cette expression devrait être abolie du langage des Nations Unies, en particulier de celle de l'ONU Femmes.

A - En général, les politiques relatives à la suppression du système prostitutionnel peuvent favoriser ces cibles et ces objectifs en rendant clair que :

- a) la « CEDAW » refuse ce système et oblige les États parties à la suppression du « commerce sexuel », par les fondements indiqués à RQ1. ;
- b) le refus indiqué est incompatible avec l'adoption par les États parties d'un concept juridique de « travail sexuel » ;
- c) le refus indiqué devrait être traduit par l'abolition du système prostitutionnel par :
  - la pénalisation du client;
  - des appuis à l'indépendance économique des personnes en prostitution qui le veulent ;
  - et
  - des mesures d'accompagnement du type de RQ1 point a) 1. ;
- d) dans le cadre des droits humains, notamment des articles 29 et 30 de la DUDH, les instruments juridiques ou politiques mentionnés dans le préambule de cette consultation ne devraient pas être lus comme comprenant un droit égal des hommes et des femmes à payer à quelqu'un pour se prostituer, ou un droit égal d'appartenir au système prostitutionnel, même si toute personne capable d'auto-détermination sexuelle doit être libre de se prostituer (voir RQ1) ;
- e) dans le même sens, ces textes ne peuvent pas non plus être lus comme encourageant une autonomisation des femmes et des filles rendue possible ou désirable par la prostitution ; une telle interprétation ne ferait que renforcer les stéréotypes à la base des rôles sociaux des femmes et des hommes, qui maintiennent les asymétries persistantes des hommes et des femmes soit dans la sphère publique soit dans la sphère privée, et correspondrait à la négation du travail soit de la communauté internationale et surtout de l'ONU et de ses Agences, soit des États, en matière d'égalité entre les hommes et les femmes.

B - En particulier, les politiques relatives à la suppression du système prostitutionnel devraient encourager notamment:

- a) - l'information à la population - dès l'âge précoce et en contexte libre de coaction familiale, culturelle ou religieuse - sur la santé sexuelle et reproductive;
- l'appui et des services spécifiques et multidisciplinaires à des victimes du



- système prostitutionnel;
- b) l'interdiction de toutes formes d'utilisation de biens, indépendamment de sa nature, pour le du système prostitutionnel ou pour la création de conditions pour déclencher la prostitution;
  - c) l'adoption d'un système de mesures cohérentes pour la réorganisation social à partir de l'élimination des stéréotypes de genre dans tous les domaines de la vie pour aboutir à l'égalité entre les femmes et les hommes ;
  - d) le renforcement du contrôle d'application adéquate de toutes les conventions pertinentes ;
  - e) l'équiparation du trafic pour prostitution aux autres types en matière d'exigence d'efforts appliqués et de résultats pour l'éliminer;
  - f) l'institutionnalisation de Sommets des États « CEDAW » pour l'évaluation de l'application de l'article 6º et pour l'établissement de calendriers pour l'élimination des normes et des pratiques qui le contredisent;
  - g) la divulgation accessible des bonnes pratiques et des progrès ;
  - h) la création ou le renforcement à niveau international de lignes d'appui financier direct soit pour la coopération interétatique en matière d'abolition du système prostitutionnel international, soit pour aider les États qui en ont besoin à la concrétisation de programmes d'abolition du système prostitutionnel au niveau interne.

**Question 3)** Le commerce sexuel est sexo-spécifique. Quelle est la meilleure manière de protéger de la violence, de la stigmatisation et de la discrimination les femmes qui sont impliquées dans ce commerce ?

**Réponse (RQ3)** – La prostitution n'est pas une inévitabilité ni pour les personnes objet de commerce sexuel ni pour celles qui sont individuellement dans la prostitution parce qu'ainsi le veulent. Les États, en tant que tels et par le biais de la coopération internationale, peuvent la réduire à la transaction directe en lieux non publics entre personnes capables d'auto détermination sexuelle.

Pour l'objectif visé dans la Q3, il faut, à notre avis :

- ouvrir des opportunités effectives et soutenables d'indépendance économique et psychologique qui puissent se constituer en alternatives crédibles et intéressantes pour des changements dans le style de vie des personnes en prostitution ;
- prendre les mesures d'appui ici suggérées ;
- appliquer tous les instruments juridiques disponibles et à créer pour développer des encadrements pénaux et d'appui social convaincantes de la volonté politique d'abolir tous les systèmes prostitutionnels ;
- promouvoir, notamment par le biais de campagnes informatives incisives et persistantes, une ambiance sociale ouverte au rejet du stigma et de la discrimination de ces groupes et qui mobilise les populations pour l'appui solidaire à qui le veut, sans intromissions abusives, sans arrogance, sans moralismes, mais dans le respect pour la dignité intrinsèque de toutes les personnes.

**Lisboa, 15 octobre 2016**

In response to the call I am enclosing my views

Maria Regina Tavares da Silva

Former CEDAW Member (2001-2008)

**Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?**

The 2030 Agenda is based on the fundamental principles of human rights, their protection and promotion. This means, in my view, that sex work/trade or prostitution can, in no way, be considered in line with the Agenda.

While forced prostitution, as well as human trade that is often behind it, are clearly perceived as human rights violations in line with human rights instruments, including CEDAW, the so-called sex work/trade is often subject to doubts and erroneous interpretations defending that it may be a personal option, that it is an acceptable type of work that should enjoy a status similar to other types of activity regarding rights, social protection, taxes, etc

In my view there is no such thing as a totally free choice in the selling of one's own body for money and for someone else's enjoyment/exploitation. There is, certainly, always a motive for entering prostitution, even if not clearly realized for "choosing" such a "work" - poverty, misery, violence, despair, fear, coercion, even if only psychological...

The answer to such problems, if seen in the framework of the Agenda 2030, is certainly not in the recognition of sex trade as an acceptable form of work like any other, as the conditions of personal freedom and dignity are not safeguarded and the positions of power on the part of the ones exploiting and of subjection on the part of the ones being exploited are not questioned, but accepted as normal.

**Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as:**

- a) reproductive rights
- b) women's ownership of land and assets

- c) **building peaceful and inclusive societies**
- d) **ending the trafficking of women**
- e) **eliminating violence against women.**

**How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?**

If the above-stated objectives are to be achieved, policies on sex work/trade/prostitution have to be seriously evaluated. Prostitution or sex trade will never empower women or make them totally free and autonomous persons.

Serious research, thinking and debate are essential to make clear how negative for women such realities are, even if not always those involved are fully aware of that. Women's NGOs, youth organizations, interested academics, political parties together with social organizations working in the field and knowing the "crude reality" of prostitution and sex work have to find positive answers to what is no more than a negative commercial activity of human persons, their bodies, their will and their dignity.

The aims targeted in the Agenda regarding freedom from violence or trafficking are totally incompatible with the existence of sex work/trade and prostitution, as these realities are intrinsically part of the system that allows it; and women's reproductive rights are certainly not fully respected when their own bodies are used as objects. On the other hand, peaceful and inclusive societies are not built upon exploitation and humiliation exercised by some persons upon others in a totally unbalanced, unequal situation.

**Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?**

It must be a global, concerted response. Legal provisions and their strict application penalizing those that promote and benefit from sex trade and prostitution, namely pimps and clients, together with promotion of social awareness of the real meaning of such activities, education and information of women starting from school, media involvement and above all, political commitment to respect, defend and promote human rights.

For those women already involved in such networks, special support programmes are necessary, including safe houses to allow them the possibility of escaping from the trade and its supporters, as well as legal and social support, professional training to rebuild their lives, etc

16.10.2016