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*Committee on Women's Rights and Gender Equality*

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# **DRAFT REPORT**

on sexual exploitation and prostitution and its impact on gender equality  
(2013/2103(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Mary Honeyball

PR\_INI

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI))

*The European Parliament,*

- having regard to Articles 4 and 5 of the 1948 Universal Declaration of Human Rights,
- having regard to the UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to 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,
- having regard to 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’,
- having regard to the 2000 Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, annexed to the UN Convention against Transnational Organised Crime,
- having regard to the D.3 strategic objective of the 1995 Platform for Action and the Beijing Declaration,
- having regard to ILO Convention No 29 on forced or compulsory labour, Article 2 of which defines forced labour,
- having regard to 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,
- having regard to the International Organisation for Migration (IOM) Brussels Declaration (11) on preventing and combating trafficking in human beings, which calls for a comprehensive, multidisciplinary and effectively coordinated policy that involves actors from all the fields concerned,
- having regard to the 2000 OSCE Vienna Ministerial Decision No 1(12) in support of the OSCE measures and to the OSCE Action Plan to combat trafficking in human beings (Decision No 557, taken in 2003),
- having regard to Articles 2 and 13 of the Treaty on European Union,

- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings<sup>1</sup>,
- having regard to the Council Resolution on initiatives to combat trafficking in human beings, in particular women<sup>2</sup>,
- having regard to its resolution of 15 June 1995 on the Fourth World Conference on Women, held in Beijing ‘Action for Equality, Development and Peace’<sup>3</sup>,
- having regard to its resolution of 24 April 1997 on the Commission communication on illegal and harmful content on the Internet<sup>4</sup>,
- having regard to its resolution of 16 September 1997 on the need to establish a European Union wide campaign for zero tolerance of violence against women<sup>5</sup>,
- having regard to its resolution of 24 October 1997 on the Commission Green Paper on the protection of minors and human dignity in audiovisual and information services<sup>6</sup>,
- having regard to its resolution of 6 November 1997 on the Commission communication on combating child sex tourism and the aide-memoire on the European Union’s contribution to reinforcing the prevention of the sexual abuse and exploitation of children<sup>7</sup>,
- having regard to its resolution of 16 December 1997 on the Commission communication on trafficking in women for the purpose of sexual exploitation<sup>8</sup>,
- having regard to its resolution of 13 May 1998 on the proposal for a Council recommendation concerning the protection of minors and human dignity in audiovisual and information services<sup>9</sup>,
- having regard to its resolution of 17 December 1998 on respect for human rights in the European Union<sup>10</sup>,
- having regard to its resolution of 10 February 1999 on the harmonisation of forms of protection complementing refugee status in the European Union,<sup>11</sup>
- having regard to its resolution of 30 March 2000 on the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism<sup>12</sup>,

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<sup>1</sup> OJ C 203, 1.8.2002, p. 1.

<sup>2</sup> OJ C 260, 29.10.2003, p. 4.

<sup>3</sup> OJ C 166, 3.7.1995, p. 92.

<sup>4</sup> OJ C 150, 19.5.1997, p. 38.

<sup>5</sup> OJ C 304, 6.10.1997, p. 55.

<sup>6</sup> OJ C 339, 10.11.1997, p. 420.

<sup>7</sup> OJ C 358, 24.11.1997, p. 37.

<sup>8</sup> OJ C 14, 19.1.1998, p. 19.

<sup>9</sup> OJ C 193, 17.8.2006, p. 126.

<sup>10</sup> OJ C 98, 9.4.1999, p. 267.

<sup>11</sup> OJ C 150, 28.5.1999, p. 203.

<sup>12</sup> OJ C 040, 7.2.2001, p. 20.

- having regard to its resolution of 11 April 2000 on the initiative of the Republic of Austria with a view to adopting a Council decision to combat child pornography on the Internet<sup>1</sup>,
- having regard to its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform<sup>2</sup>,
- having regard to its resolution of 19 May 2000 on the communication from the Commission to the Council and the European Parliament entitled ‘For further actions in the fight against trafficking in women’<sup>3</sup>,
- having regard to its resolution of 15 June 2000 on the Commission communication on crime victims in the European Union: Reflexions on standards and action<sup>4</sup>,
- having regard to its resolution of 12 June 2001 on the proposal for a Council framework decision on combating trafficking in human beings<sup>5</sup>,
- having regard to its resolution of 17 January 2006 on strategies to prevent the trafficking of women and children vulnerable to sexual exploitation<sup>6</sup>,
- having regard to its resolution of 2 February 2006 on the current situation in combating violence against women and any future action<sup>7</sup>,
- having regard to its resolution of 15 March 2006 on forced prostitution in the context of world sports events<sup>8</sup>,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women<sup>9</sup>,
- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women<sup>10</sup>,
- having regard to its resolution of 6 February 2013 on the 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls<sup>11</sup>,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Development (A7-0000/2013),

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<sup>1</sup> OJ C 40, 07.02.2001, p. 41.

<sup>2</sup> OJ C 59, 23.2.2001, p. 258.

<sup>3</sup> OJ C 59, 23.2.2001, p. 307.

<sup>4</sup> OJ C 67, 1.3.2001, p. 304.

<sup>5</sup> OJ C 53, 28.2.2002, p. 114.

<sup>6</sup> OJ C 287, 24.11.2006, p. 18.

<sup>7</sup> OJ C 288, 25.11.2006, p. 16.

<sup>8</sup> OJ C 291, 30.11.2006, p. 292.

<sup>9</sup> OJ C 285, 21.10.2010, p. 53.

<sup>10</sup> OJ C 296, 2.10.2012, p. 26.

<sup>11</sup> Text adopted, P7\_TA(2013)0045.

- A. whereas prostitution is a gendered phenomenon, with the vast majority of prostituted persons being women and girls, and almost all buyers being men, and whereas it is therefore both a cause and a consequence of gender inequality;
  - B. whereas prostitution is intrinsically linked to gender inequality in society and has an impact on the perception of the relations between women and men and sexuality;
  - C. whereas the prostitution markets fuel trafficking in women and girls, especially in countries where the sex industry has been legalised<sup>1</sup>;
  - D. whereas the Commission, in its Strategy for Equality between Women and Men (2010-2015), declares that ‘inequalities between women and men violate fundamental rights’;
  - E. whereas there is a huge divergence in the way that the Member States deal with prostitution, with two main approaches existing: one approach views prostitution as a violation of women’s rights – a form of sexual slavery –, which results in gender inequality for women; the other approach maintains that prostitution itself promotes gender equality by promoting a woman’s right to control what she wants to do with her body;
  - F. whereas procuring, which equates to authorising the sexual exploitation of others, has been legalised in several Member States, including Germany, the Netherlands and Greece; whereas the Netherlands is listed by the United Nations Office on Drugs and Crime as a top destination for victims of human trafficking;
  - G. whereas in 2007 the German Government admitted that there ‘are no viable indications that the [law to legalise prostitution] has reduced crime’, and whereas one third of German prosecutors have noted that legalising prostitution has ‘made their work in prosecuting trafficking in human beings and pimping more difficult’;
1. Recognises that prostitution and sexual exploitation are violations of human dignity and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union;
  2. Recognises that prostitution both globally and across Europe feeds trafficking of vulnerable women and girls, and stresses that, as shown by data from the European Commission, the majority (62 %) are trafficked for sexual exploitation, and women and girls account for 80 % of identified and presumed victims;
  3. Stresses the data that show that organised crime is a major player where procuring is legal<sup>2</sup>;
  4. Stresses that prostitution and exploitation in the sex industry can have devastating consequences for the individuals involved, in addition to being both a cause and a consequence of gender inequality and perpetuating gendered stereotypes such as the idea that women’s and girls’ bodies are for sale to satisfy male demand for sex;

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<sup>1</sup> The 2006 report by Sigma Huda, UN Special Rapporteur on Trafficking in Persons, especially in women and children, highlighted the direct impact of the policies on prostitution on the scale of trafficking in human beings.

<sup>2</sup> Joint report by the City of Amsterdam and the Dutch Ministry of Justice which stated that half of the permit-required businesses of prostitution have one or more managers with a criminal record.

5. Notes that 80-95 % of prostituted persons have suffered some form of violence before entering prostitution (rape, incest, paedophilia), 62 % of them report having been raped, and 68 % suffer from post-traumatic stress disorder – a similar percentage to torture victims<sup>1</sup>;
6. Stresses that prostituted persons are particularly vulnerable socially and economically and are more at risk of violence than in any other activity;
7. Recognises that 9 out of 10 prostitutes would like to stop but feel unable to do so<sup>2</sup>;
8. Recognises that prostitution has an impact on violence against women in general, as research on sex buyers shows that men who buy sex have a degrading image of women<sup>3</sup>;
9. Stresses that prostituted persons should not be criminalised, as is the case in some Member States, for example the United Kingdom, France and the Republic of Ireland, and calls on all Member States to repeal repressive legislation against prostituted persons;
10. Considers that the most effective way of combating the trafficking of women and girls for sexual exploitation and improving gender equality is the model implemented in Sweden, Finland and Norway (the so-called Nordic model), where the purchase of sexual services constitutes the criminal act, not the services of the prostituted persons;
11. Emphasises the data that confirm the Nordic model's deterrent effect on trafficking into Sweden, where prostitution and sex trafficking have not increased, and that this model is increasingly supported by the population, especially by young people, demonstrating that the legislation has brought about a change in attitudes;
12. Recalls that gender-specific prevention strategies and awareness-raising measures are key to combating the sexual exploitation of women and girls;
13. Believes that looking upon prostitution as legal 'sex work' and decriminalising the sex industry in general is not a solution to keeping vulnerable women and girls safe but has the opposite effect and puts them in danger of a higher level of violence indoors;
14. Urges the Commission and the Member States to mobilise the necessary means and tools to fight trafficking and sexual exploitation and to reduce prostitution as breaches of women's fundamental rights and gender equality;
15. Urges the Commission to evaluate the impact that the European legal framework designed to eliminate trafficking for sexual exploitation has had to date and to undertake further research into patterns of prostitution and human trafficking for the purpose of sexual exploitation in the EU;

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<sup>1</sup> Source: Melissa Farley, 'Violence against women and post-traumatic stress syndrome', Women and Health, 1998; Dominique Damant et al., 'Trajectoires d'entrée en prostitution : violence, toxicomanie et criminalité', Le Journal International de Victimologie, No 3, April 2005.

<sup>2</sup> 89 % of 785 people in prostitution from 9 countries wanted to escape prostitution, Farley et al, 2003.

<sup>3</sup> Several studies on sex buyers can be found here: <http://www.womenlobby.org/spip.php?article1948&lang=en>.

16. Calls on the Member States, when implementing policies to deal with trafficking, sexual exploitation and prostitution, to ensure that all relevant parties – NGOs, the police and other law enforcement agencies, and social and medical services – work in cooperation;
17. Draws the attention of the national authorities to the impact of the economic downturn on the growing number of women and girls forced to enter prostitution, and urges those authorities to help them find alternative ways of earning a living;
18. Urges the Member States to provide social services for victims of trafficking or sexual exploitation and to implement policies aimed at helping vulnerable women and girls to leave prostitution;
19. Urges the Member States to evaluate the positive effects of criminalising the purchase of sexual services on reducing prostitution and trafficking, with a view to changing their legislation;
20. Calls on the EU and its Member States to develop prevention policies in the countries of origin of trafficked prostituted persons;
21. Instructs its President to forward this resolution to the Council and the Commission.



## EXPLANATORY STATEMENT

Prostitution is a difficult phenomenon to quantify as it is illegal in most Member States. According to a 2012 report by Fondation Scelles, prostitution has a global dimension involving around 40-42 million people, 90% of whom are dependent on a procurer. The first ever Eurostats report with official data related to prostitution was published in April 2013<sup>1</sup>. It focussed on the trafficking of human beings in the EU between 2008 and 2010.

What is certain, however, is that prostitution and sexual exploitation are definitely gendered issues with women and girls selling their bodies, voluntarily or forced, to men who pay for the service. In addition, the majority of those trafficked for sexual exploitation are women and girls.

### *A form of violence against women and an infringement of human dignity and gender equality*

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. Given that human dignity is specifically mentioned in the Charter of Fundamental Rights, the European Parliament has a duty to report on prostitution in the EU and examine ways in which gender equality and human rights can be strengthened in this regard.

### *A direct link to trafficking and organised crime*

Prostitution in the European Union and across the world is directly linked to the trafficking of women and girls. Sixty-two per cent of trafficked females are the victims of sexual exploitation.

An increasing number of women and girls are being trafficked not only from outside the Union but also from some member states (e.g. Romania and Bulgaria) to other parts of the European Union. The EU therefore needs to deal urgently with this east-west trafficking and take strong measures to combat this particular form of violence against women.

Prostitution is a major factor in organised crime, second only to drugs in its scope and reach and the amount of money involved. The Havoscope website<sup>2</sup> estimates prostitution revenue at around \$186 billion per year worldwide.

Since prostitution is in effect run by organised crime to such a large extent, functioning as a market with demand fostering supply, law enforcement agencies across the EU need to take strong and appropriate action to track down the criminals while at the same time protecting

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<sup>1</sup>[http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415\\_thb\\_stats\\_report\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf)

<sup>2</sup> See at: <http://www.havoscope.com/tag/prostitution/>

the victims, the prostituted persons and the women and girls trafficked for sexual exploitation. In a separate but related matter also requiring attention, prostitution over the internet is on the increase and in some cases is linked to websites offering pornography.

### ***Economic coercion***

Financial desperation can also lead women into prostitution. The current financial crisis is taking its toll as women (especially single mothers) are increasingly entering prostitution in their own country or coming from the poorer countries in the south of the European Union to be prostituted in the north. Prostitution is therefore linked to gender equality as it is directly linked to the role and place of women in society, to their access to the labour market, to decision making, to health and education, and to the choices they are offered given the structural gender inequality.

### ***Two different approaches to prostitution and sexual exploitation in Europe***

The question of prostitution and gender equality is complicated by the fact that there are two competing models about how to deal with the issue. The first model views prostitution as a violation of women's rights and a means of perpetuating gender inequality. The corresponding legislative approach is *abolitionist* and criminalises the activities related to prostitution, sometimes including the purchase of sexual services, while prostitution in itself is not illegal. The second model maintains that prostitution itself enhances gender equality by promoting a woman's right to control what she wants to do with her body. Proponents of this model state that prostitution is just another form of work, and that the best way of protecting women in prostitution is to improve their "working conditions" and to professionalise prostitution as "sex work." Consequently, within this *regulationist* model, prostitution and related activities are legal and regulated and women would be free to hire managers, also known as pimps. However, it could also be considered that making prostitution and procuring normal activities, or legalizing them in any way, is to legalize sexual slavery and gender inequality for women.

Both models do of course exist in the European Union. Procuring is legal in several member states including the Netherlands, Germany, Austria and Denmark while prostituted persons or some of their activities (like soliciting) are criminalised or partially criminalised in the United Kingdom, France and the Republic of Ireland amongst others. However, gender inequality and sexual subordination cannot be fought effectively by assuming a gender symmetry in sex industry activities which does not exist<sup>1</sup>.

Where prostitution and procuring are legal, there is a growing body of evidence showing the shortcomings of this system. In 2007 the German Government admitted that the law to legalise prostitution had reduced crime and that over a third of German prosecutors noted that legalising prostitution "made their work in prosecuting trafficking in human beings and pimping more difficult"<sup>2</sup>. In the Netherlands in 2003 the Mayor of Amsterdam stated that legalising prostitution had failed to prevent trafficking saying, "it appeared impossible to create a safe and controllable zone that was not open for abuse by organised crime." According to the United Nations Office on Drugs and Crime, Holland is now the top

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<sup>1</sup> [www.equalitynow.org/sites/default/files/Nordic\\_Model\\_EN.pdf](http://www.equalitynow.org/sites/default/files/Nordic_Model_EN.pdf)

<sup>2</sup> See also Der Spiegel article, 30 May 2013: <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>

destination for victims of human trafficking.

### *The effectiveness of the Nordic model*

Given the strong and growing evidence that legalising prostitution and procuring does nothing to promote gender equality or reduce human trafficking, this report concludes that the essential difference between the two models of gender equality outlined above is that viewing prostitution as simply “work” helps to keep women in prostitution. Viewing prostitution as a violation of women’s human rights helps keep women out of prostitution.

The experience in Sweden, Finland and non-EU Norway where the “Nordic Model” of dealing with prostitution operates supports this point of view. Sweden changed its prostitution laws in 1999 to prohibit the purchase of sex and decriminalise the prostituted person. In other words the person buying sex – virtually always the man – is committing a criminal offence not the prostituted women. Sweden introduced this law as part of a general initiative to end all barriers to the equality of women in Sweden.

The impact of this legislation in Sweden has been dramatic. Sweden’s prostituted population is one-tenth of neighbouring Denmark’s where sex purchase is legal and has a smaller population. The law has also changed public opinion. In 1996 45% women and 20% men were in favour of criminalising male sex purchasers. By 2008 79% women and 60% men were in favour of the law. Moreover, the Swedish police confirm that the Nordic Model has had a deterrent effect on trafficking for sexual exploitation.

The evidence of the effectiveness of the Nordic Model in reducing prostitution and trafficking of women and girls and thereby promoting gender equality is growing all the time. Meanwhile those countries where procuring is legal still face problems in relation to human trafficking and organised crime as these relate to prostitution. This report therefore supports the Nordic Model and urges that the governments in those Member States who deal with prostitution in other ways review their legislation in the light of the success achieved by Sweden and other countries who have adopted the Nordic Model. Such action would bring about significant progress for gender equality in the European Union.

This report is not against prostituted women. It is against prostitution but for prostituted women. By recommending that the buyer – the man who buys sex - is deemed the guilty party rather than the female prostitute, this report represents another step on the road to full gender equality throughout the European Union.