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REPORT

on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights
(2022/2139(INI))

Committee on Women's Rights and Gender Equality

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights
(2022/2139(INI))**

The European Parliament,

- having regard to Article 8 of the Treaty on the Functioning of the European Union and its commitment to promote gender equality in all of the Union's actions,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ('Istanbul Convention'), in particular to Articles 1 and 4 thereof,
- having regard to Article 6 of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which aims to eliminate all forms of trafficking in and exploitation of women in prostitution,
- having regard to Articles 4 and 5 of the 1948 Universal Declaration of Human Rights,
- having regard to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others,
- having regard to the 2000 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which supplements and is annexed to the United Nations Convention against Transnational Organized Crime,
- having regard to the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹,
- having regard to the Commission communication of 14 April 2021 on the EU strategy on combating trafficking in human beings 2021-2025 (COM(2021)0171),
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA² (the Anti-Trafficking Directive),
- having regard to the Commission proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (COM(2022)0732),
- having regard to its resolution of 26 February 2014 on sexual exploitation and

¹ OJ L 303, 2.12.2000, p. 16.

² OJ L 101, 15.4.2011, p. 1.

prostitution and its impact on gender equality³,

- having regard to its resolution of 10 February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims⁴,
- having regard to the Committee on the Elimination of All Forms of Discrimination Against Women's General Recommendation No 33 (2015) of 3 August 2015 on women's access to justice,
- having regard to the Committee on the Elimination of All Forms of Discrimination Against Women's General Recommendation No 37 (2018) of 13 March 2018 on gender-related dimensions of disaster risk reduction in a changing climate,
- having regard to the report of the Special Rapporteur on violence against women, its causes and consequences of 19 February 2000 on trafficking in women, women's migration and violence against women,
- having regard to the work of the UN Special Rapporteur on trafficking in persons, especially women and children,
- having regard to the work of the UN Special Rapporteur on the right to health,
- having regard the UN 2021-2026 global AIDS strategy,
- having regard to the Office of the UN High Commissioner for Human Rights publication of 20 May 2002 entitled 'Recommended Principles and Guidelines on Human Rights and Human Trafficking',
- having regard to the Organization for Security and Co-operation in Europe (OSCE) report of 10 June 2021 entitled 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation',
- having regard to the Committee on the Elimination of All Forms of Discrimination Against Women's General Recommendation No 38 (2020) of 20 November 2020 on trafficking in women and girls in the context of global migration,
- having regard the Council of Europe report of 12 April 2021 entitled 'Second General Report on GREVIO's Activities',
- having regard to the Council of Europe report of October 2022 entitled, 'Impact of Covid-19 on Women's Access to Justice';
- having regard to the Council of Europe resolution of 8 April 2014 entitled 'Prostitution, trafficking and modern slavery in Europe',
- having regard to the judgment of the Court of Justice of the European Union in Case C-

³ OJ C 285, 29.8.2017, p. 78.

⁴ OJ C 465, 17.11.2021, p. 30.

268/99⁵,

- having regard to the ongoing communicated case 63664/19, 64450/19, 24387/20 et al. of the European Court of Human Rights of 12 April 2021,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A9-0240/2023),
- A. whereas the UN and EU agreed upon language is prostitution and people/women in prostitution; whereas prostitution is the purchase of a sexual act, which can be defined as the solicitation, acceptance or obtainment of a sexual act from a person in a situation of prostitution in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit; whereas this report acknowledges that some people in prostitution refer to themselves as ‘sex workers’ and that this term is used by some international organisations; whereas this is the self-description of some people who are engaged in prostitution and regard it as professional employment, but who only represent a minority of people in prostitution, even though they are well organised and publically visible^{6, 7}; whereas this report highlights the importance of each person’s right to self-identification in this regard, whereas this report however intentionally and exclusively uses neutral terms, namely people and especially women in prostitution, as we do not want to idealise the reality of prostitution or mask the violence, abuse and exploitation that the large majority of people, especially women and girls, in prostitution endure; whereas we want to pay respect to the large majority of people in prostitution who do not consider it to be a normal job or a career opportunity, who would leave the sex industry if they could and who consider prostitution to be a form of violence; whereas by using the term prostitution and women/people in prostitution, this report does not seek to discriminate against anyone nor to stigmatise or demean them; whereas this wording should not connote criminality or morality;
- B. whereas ensuring the rights of all individuals is essential to respecting bodily integrity and personal autonomy, guaranteeing privacy and ensuring women’s human rights and dignity in wider society; whereas guaranteeing equality and respect for people’s rights, including to make decisions over their own bodies, access healthcare and live free from discrimination, coercion and violence, including sexual violence, must be at the centre of Member State and EU policies;
- C. whereas sex must be based on consent, which can only be given freely and voluntarily, and cannot be replaced by the exchange of money; whereas prostitution reduces intimate acts to an assigned monetary value; whereas sexual exploitation through the prostitution of others is a gross violation of women’s rights and dignity and implies that both a person and their consent to sexual activity can be purchased for a given sum;
- D. whereas sexual and reproductive health is fostered through healthy approaches to

⁵ Judgment of the Court of 20 November 2001, *Aldona Malgorzata Jany and Others v Staatssecretaris van Justitie*, C-268/99, ECLI:EU:C:2001:616.

⁶ O’Connor, M., *The Sex Economy*, Agenda Publishing, 2018.

⁷ European Women’s Lobby, ‘Her Future is Equal Briefing Paper’, 5 October 2021.

sexuality, based on mutual respect;

- E. whereas prostitution exists within a system in which different actors interact, with pimps and others trying to maximise their profits from prostitution and sex buyers who constitute the demand;
- F. whereas in its preamble, the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others expresses that prostitution and the accompanying evil of the trafficking in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person;
- G. whereas street-based prostitution is an environment that is devoid of humane conditions for women;
- H. whereas various studies^{8, 9} show that women in prostitution face more egregious human rights violations, violence and exploitation than women on average, including high levels of gender-based, psychological, physical and sexual violence; whereas women in prostitution report trauma comparable to victims of torture and a high number of women in prostitution report having been raped since entering prostitution^{10, 11, 12}; whereas in some cases, they also endure institutional abuse and further exploitation; whereas perpetrators may include not only violent buyers and exploitative third parties such as pimps, but also, on occasion, law enforcement authorities^{13, 14}; whereas crimes against them go under-reported under-investigated and unpunished;
- I. whereas the pornography industry and online commercial exploitation through the explicit representation of non-simulated sexual practices trivialise and perpetuate sexual violence against women and girls, the commodification of women's bodies and harmful gender stereotypes also impacted by prostitution;
- J. whereas, as people and especially women in prostitution have been traditionally marginalised and de facto criminalised, it is important to follow a human rights-based approach¹⁵, taking into account the fact that, as people in prostitution are in a vulnerable situation, they are often not aware of their rights, since their access to justice has habitually been compromised by discriminatory stereotypes and stigma; whereas a presumption of criminality for people in prostitution and discriminatory treatment mean that people in prostitution are often reticent to report cases of abuse and violence to authorities or to seek access to justice due to the fear of being ignored, receiving no support or being fined, detained or deported¹⁶ or that they will instead become the focus

⁸ UN Office on Drugs and Crime, 'Global Study on Homicide – Gender-related killing of women and girls', 2019.

⁹ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 'Health, Well-Being and Personal Safety of Women in Germany– A Representative Study of Violence against Women in Germany', 2004.

¹⁰ Scelles Foundation, 'La prévalence de l'état de stress post-traumatique chez les personnes prostituées', 1 March 2019.

¹¹ Farley, M., 'Prostitution is Sexual Violence', *Psychiatric Times*, 1 October 2004.

¹² Zuger, A., 'Many Prostitutes Suffer Combat Disorder, Study Finds', *New York Times*, 18 August 1998.

¹³ Amnesty International, 'Body politics: a primer on criminalization of sexuality and reproduction', 12 March 2018, p.54.

¹⁴ Global Network of Sex Work Projects, 'Sex Workers' Lack of Access to Justice', 2020, pp. 6-11 and p. 13.

¹⁵ Article 2 of the Treaty on European Union.

¹⁶ Council of Europe, 'Impact of Covid-19 on Women's Access to Justice', 2022.

of a criminal investigation themselves¹⁷; whereas regular training for enforcement authorities is therefore urgently needed in every Member State to ensure fair and respectful treatment of people, especially women and LGBTIQ+ people, in prostitution;

- K. whereas access to healthcare services, including sexual and reproductive health is vital for people in prostitution to maintain their health; whereas in some Member States, such as Poland, access to such healthcare provisions has been severely restricted, causing undue stress and anxiety as well as adverse health effects for those who need it; whereas according to some studies¹⁸, there is the potential to reduce HIV infections by 33-46% in the next decade if people in prostitution were to be decriminalised; whereas the criminalisation of people, in particular women, in prostitution leads to lower condom use, which leads to higher cases of sexually transmitted infections and diseases; whereas equal access to preventative HIV medication, such as PREP and/or PEP drugs, across the EU is lacking; whereas women and LGBTIQ+ people in prostitution who had been exposed to repressive policing are three times more likely to experience sexual or physical violence and twice as likely to have HIV¹⁹;
- L. whereas prostitution is increasingly shifting into the virtual space, regardless of the legislation in force; whereas this relates not only to the recruitment and initiation process, but also to the way in which the sexual act itself takes place; whereas prostitution in the virtual space has the same harmful effects on women in prostitution as in real life, even though, in some cases, the physical distance can help lessen exposure to some forms of violence; whereas new digital technologies and tools have made it easier for exploitative second and third parties like buyers, traffickers and pimps to secure their anonymity, making law enforcement more difficult; whereas regulatory measures need to focus particularly on online advertisement and contact facilitation to ensure efficiency in preventing exploitation through the prostitution of others, as also highlighted in the Commission's proposal for a revision of the Anti-Trafficking Directive, which makes explicit reference to the need to better counter human trafficking facilitated by information and communication technologies, including the internet and social media;
- M. whereas numerous factors cause people to enter and stay in prostitution, in particular poverty stemming from social injustices and exclusion, inequalities, limited employment or entrepreneurial opportunities, drug addiction, structural violence and intersectional discrimination, a lack of safe and legal migration opportunities and comprehensive integration policies, deficient educational, social and labour policies, other social and economic preconditions and limited livelihood options, all of which play a part in aggravating women's situations and lowering their social status, leading to a lack of alternatives to entering prostitution;
- N. whereas it is the women and children in situations of poverty and affected by structural and intersectional discrimination who are most vulnerable to sexual exploitation

¹⁷ Global Network of Sex Work Projects, 'Sex Workers' Lack of Access to Justice', 2020 and Council of Europe report entitled 'The impact of COVID-19 on women's access to justice', p. 68.

¹⁸ Wong, S., 'Decriminalising sex work would cut HIV infections by a third', *Imperial College London*, 24 July 2014.

¹⁹ Platt, L. et al., 'Associations between sex work laws and sex workers' health: a systematic review and meta-analysis of quantitative and qualitative studies', *PLOS Medicine*, Vol. 15, No 12, 2018.

through prostitution and slavery, as well as to grooming, the ‘loverboy method’ and entrapment by criminal (pimping) networks; whereas among other things, drug addiction is often used as a means to lure and entrap victims into prostitution; whereas the implementation of all current policies and laws has not yet sufficiently addressed these root causes nor the stigma and discrimination faced by people, especially women, in prostitution;

- O. whereas protected groups, such as children, young people, persons living with mental and physical disabilities and persons belonging to minorities, are subject to cumulative exploitation in the form of sexual abuse, sexual harassment and rape;
- P. whereas precariousness is a persistent feature of the EU labour market, which favours the accumulation of profit by big economic groups and primarily affects women, who suffer from wage discrimination, are more likely to be in part-time work and therefore earn lower wages, have less access to social protection and have fewer opportunities for economic independence;
- Q. whereas prejudices and stereotypes block women from pursuing and realising their ambitions, which holds them back and forces them into poverty-stricken lives through no wrongdoing of their own;
- R. whereas these causes need to be urgently and thoroughly addressed in order to tackle the circumstances and impediments that create a lack of alternatives to prostitution; whereas such measures need to follow a holistic approach, aiming to achieve a gender-equal society by focusing on education, social, labour and migration policies in order to reduce vulnerabilities and thus susceptibility to exploitation or to choices that are taken based on the lack of alternatives; whereas the EU also needs to support neighbouring and non-EU countries to enable those countries to increase funding for social support and access to services for potential victims of trafficking and sexual exploitation, including through educational, psychological and social support from specialists, and to introduce specialised services dedicated to the full social and economic inclusion of women and girls in vulnerable situations to protect them from the risk of sexual exploitation;
- S. whereas ‘sugar daddyism’ is alarming and particularly prevalent in places such as universities, but also through social networks and online; whereas it consists of advertisements encouraging the prostitution of students, in particular young women, and the sexual exploitation of minors by wealthier and influential men; whereas authorities have had to act to minimise the widespread nature of this practice; whereas adolescents should receive thorough information and education concerning the methods employed by criminals to initiate interactions to ensure that they are better informed, more alert and more vigilant about this tactic, as well as about ‘loverboy’ tactics, online contact initiation and subsequent entrapment;
- T. whereas Dutch prosecution bodies estimate that, of the around 30 000 people in prostitution in the Netherlands, up to 70 % are considered as having been forced into prostitution by violence or lured into it by a ‘loverboy’;

- U. whereas the majority of women would like to leave prostitution²⁰; whereas the lack of high-quality, easily accessible and sufficiently financed exit programmes under a holistic approach hinders those who want to leave prostitution from doing so²¹; whereas efforts should be made to promote the adoption and implementation of exit programmes consisting of comprehensive care and support to help people in prostitution overcome difficulties and to facilitate access to safe and stable employment;
- V. whereas leaving prostitution is often a difficult and lengthy process that requires comprehensive socio-economic support, including sufficient budgets and individual counselling taking into account the different pull and push factors, in order to provide needs-oriented support programmes and make such programmes a success for people who want to leave prostitution; whereas social relations within a community and between individuals are important to promoting pathways out; whereas the Member States should promote prevention programmes, pathways out, exit and inclusion programmes and broad, in-depth educational programmes about human trafficking, sexual exploitation, prostitution and consent, both in schools and in wider society, especially in the country or countries of origin of the person in prostitution; whereas these programmes should include safe accommodation, secure care, adequate medical attention, psychological help (trauma therapy), education/training opportunities, support for integration into the wider economy and specialised help for women with addictions and women with children; whereas the EU has established several funding programmes to support this important work and the Member States should make use of these programmes which are at their disposal;
- W. whereas Ursula von der Leyen has previously stated that prostitution is not a profession like any other and that exiting it should always be the goal;
- X. whereas there is a strong link between prostitution and trafficking in human beings for the purpose of sexual exploitation; whereas human trafficking is defined as the recruitment, transport, transfer, harbouring or receipt of people through threat, force, fraud, deception, abduction, abuse of power, a position of vulnerability or other forms of coercion, with the aim of exploiting them for profit; whereas human trafficking is an issue in many domains and fields²², but, as highlighted in the Commission report on progress in the fight against trafficking in human beings²³, trafficking in human beings for the purpose of sexual exploitation remains by far the most prevalent form of trafficking in human beings in the EU, given that 51 % of victims of human trafficking in the EU are trafficked for sexual exploitation²⁴; whereas according to the OSCE,

²⁰ Farley, M. et al., 'Prostitution and Trafficking in 9 Countries: Update on Violence and Posttraumatic Stress Disorder', *Journal of Trauma Practice*, Vol. 2, No 3-4, 2003.

²¹ Dunphy, L., 'Report finds 90% of sex workers want to leave trade but resources are not there to help them', *Irish Examiner*, 29 January 2020.

²² 'Men constitute most of the identified victims of labour trafficking, in sectors as diverse as agriculture, construction, hospitality and fisheries. Women are also victims of trafficking for labour exploitation, often in the more isolated setting of domestic and care work.' (GRETA – the Group of Experts on Action against Trafficking in Human Beings, 'Human trafficking for the purpose of labour exploitation – Thematic Chapter of the 7th General Report on GRETA's Activities', Council of Europe, 2019, p.6.)

²³ Commission report of 19 December 2022 on the progress made in the fight against trafficking in human beings (Fourth Report) (COM(2022)0736).

²⁴ The remaining 49 % are divided among cases of trafficking for other purposes, each with a much lower percentage, which is why sexual exploitation is by far the largest category, although it 'only' represents 51 %.

trafficking for the purpose of sexual exploitation generates nearly USD 100 billion per year alone²⁵, consisting mainly of money paid by men for sex with trafficked women; whereas Article 2 of the Anti-Trafficking Directive states that the consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, is irrelevant when it is obtained through the giving or receiving of payments or benefits; whereas victims of human trafficking can be of all sexes, genders, ages and backgrounds, but whereas human trafficking for the purpose of sexual exploitation disproportionately affects women, girls and marginalised groups in the EU Member States and worldwide; whereas traffickers often use violence, fraudulent employment agencies and fake promises of education or job opportunities to trick and coerce their victims and profit from a very-developed and well-financed criminal network;

- Y. whereas victims of human trafficking for sexual exploitation within the EU are largely from other EU Member States, although many victims also come from South-East Asia and Latin America; whereas there are strong links between prostitution and pornography, as well as organised crime activities such as child trafficking, the sexual exploitation of minors and child sexual abuse^{26, 27}; whereas a holistic approach is needed to protect women and girls from human trafficking for the purpose of sexual exploitation and to put an end to impunity for perpetrators;
- Z. whereas a report from the German Federal Criminal Police Office reveals that more than half of the cases of human trafficking for the purpose of sexual exploitation in Germany are prosecuted because of third-party reporting; whereas in conclusion, the report states that victims of exploitation rarely identify themselves as such and often refrain from reporting owing to a lack of trust in authorities and the police;
- AA. whereas the Turkish-occupied territories of Cyprus are used by human traffickers to exploit vulnerable women with the promise of student visas and student registration, only to then coerce them into prostitution upon their arrival and subject them to inhumane living conditions; whereas the Turkish-occupied territories of Cyprus serve as an area of impunity for human traffickers working in prostitution;
- AB. whereas events such as international conflicts and economic hardship have a strong reinforcing impact on human trafficking trends²⁸; whereas women and minors who are unaccompanied or travelling with strangers are particularly vulnerable to trafficking for sexual exploitation and abuse;
- AC. whereas prostitution, its exploitation²⁹ and trafficking for the purpose of sexual exploitation³⁰ continue to increase in some regions in Europe; whereas according to a

²⁵ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation', Vienna, 2021.

²⁶ Europol, 'Situation Report – Trafficking in human beings in the EU', The Hague, 2016, pp. 12, 14 and 22-23.

²⁷ Commission report of 20 October 2020 entitled 'Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (COM(2020)0661).

²⁸ UN Women Executive Director Sima Bahous, 'Statement: Crises drive an increase in human trafficking – Here's how we stop it', UN Women, 29 July 2022.

²⁹ Scelles Foundation, 'Sexual Exploitation – New Challenges, New Answers', 2019.

³⁰ Although sexual exploitation was still the predominant form of exploitation in 2020, it reached its lowest point since 2008 (Eurostat, 'Trafficking in human beings statistics', January 2023).

UN Office on Drugs and Crime report³¹, figures decreased globally due to the impact of COVID-19 restrictions and lockdowns; whereas human trafficking for the purpose of sexual exploitation was the most predominant form of human trafficking in the EU in 2021³² and is a serious form of violence that affects mostly women and girls; whereas prostitution, its exploitation and trafficking for the purpose of sexual exploitation are gender-specific, have a global dimension and affect the most marginalised members of our societies; whereas the vast majority of people in prostitution are women and girls and sex buyers are overwhelmingly men³³; whereas in this context, prostitution is not only harmful for women in prostitution, but also further increases inequalities between women and men; whereas prostitution, its exploitation and trafficking for the purpose of sexual exploitation are therefore both a cause and a consequence of gender inequalities and are a growing global problem with a cross-border dimension that requires the authorities in the Member States to collaborate in order to address it; whereas policy-making has to ensure the protection of the most vulnerable members of our society; whereas all Member States have a legal obligation to discourage and end human trafficking and organised crime;

- AD. whereas the main intention of all legislative measures concerning prostitution in the Member States is to protect women and girls from exploitation; whereas various legal systems and different policy approaches are implemented across the EU Member States, with different models and sub-models; whereas there is asymmetry among national prostitution legislation within the EU; whereas different or lacking regulatory measures concerning prostitution have different effects, which impact a society's understanding of gender equality and women's rights and dignity and convey messages and norms, including on violence against women; whereas the implementation of current policies and laws do not sufficiently address the root causes or the stigma, discrimination or violence faced by people in prostitution; whereas there is a need to realistically evaluate the impact of all models to see which fundamental rights-based measures and strategies protect women's rights and promote gender equality best; whereas, therefore, the premise of an overly simplified ideological battle and binary approach that polarises the debate into two camps should be rejected, as this risks overlooking the advantages and disadvantages of certain measures and strategies;
- AE. whereas prostitution has cross-border implications and affects women's rights and gender equality; whereas owing to a lack of cooperation by the Member States, actions that aim to prevent violence and exploitation for people in prostitution have failed so far; whereas the systems in border regions should be better coordinated in order to avoid hot spots; whereas the disparity in legislation on prostitution in the EU benefits traffickers and organised-crime networks;
- AF. whereas the Nordic/Equality model, which entails the decriminalisation of the person in prostitution while criminalising the buyer, is not a fix-all solution to reduce demand, sex trafficking, violence or exploitation; whereas however, evidence from Sweden and other countries shows that street prostitution declined by half when the Nordic/Equality

³¹ UN Office on Drugs and Crime, 'Global Report on Trafficking in Persons 2022', 2023.

³² Eurostat, 'Victims of trafficking of human beings up 10% in 2021', 9 February 2023.

³³ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation', Vienna, 2021.

model was implemented³⁴; whereas the demand for people in prostitution in Sweden fell from 13.6 % to 7.9 % between 1995 and 2008 as a result of the implementation of the Nordic/Equality model³⁵; whereas evidence³⁶ from France also shows that the Nordic/Equality model leads to positive results as more than 800 people in prostitution in the country have benefited from an exit programme since 2016, with 87.5 % of the persons supported by French grassroots organisations finding a stable job by the end of the exit programme; whereas the number of criminal investigations regarding pimping and trafficking has increased by 54 % since 2016; whereas nearly EUR 2.35 million confiscated from pimps have been reinvested in the protection and rehabilitation of victims of prostitution and sex trafficking; whereas however, insufficient budgeting for exit programmes is a persistent problem and whereas therefore financing that allows for a life without prostitution must be increased;

- AG. whereas according to Europol³⁷, there are Member States where prostitution is legal, making it much easier for traffickers to use the legal environment to exploit their victims; whereas human traffickers often use legal businesses to cover up their exploitative activities; whereas legalised prostitution therefore serves as an incentive for human trafficking for the purpose of sexual exploitation³⁸; whereas Europol reports establish that, where prostitution is legal, trafficking in human beings and violence perpetrated against its victims and other people in prostitution increases tenfold, as perpetrators can hide behind legal structures; whereas organised crime and corruption, human trafficking, very violent crime and corruption grow when all facets of prostitution are legalised; whereas the demand for ‘sexual services’ is large and widespread and buyers cannot and/or do not attempt to see the coercion that pushes people into prostitution; whereas this demand cannot be met without women and girls that are victims of trafficking or those who would exit prostitution if they could; whereas it is therefore impossible to decouple the discussion about prostitution and its different types of regulation within the Member States from the discussion around the fight against human trafficking for the purpose of sexual exploitation and the discussion about societal factors that lead to a lack of alternative ways for people in vulnerable situations to earn their livelihoods, which ultimately leads to prostitution;
- AH. whereas in Germany, by the end of 2021, 23 700 people had officially registered as people in prostitution, while estimates put the real number at between 90 000 and 400 000 people in prostitution in the country;
- AI. whereas the 2022 opinion of the OSCE Office for Democratic Institutions and Human Rights entitled ‘Opinion on Acts of Germany on Prostitution and Trafficking in Human Beings’ shows that the country’s current legislation does not seem to include sufficient

³⁴ Crouch, D., ‘Swedish Prostitution law Targets Buyers, but Some Say It Hurts Sellers’, *New York Times*, 14 March 2015.

³⁵ Claude, K., ‘Targeting the Sex Buyer – The Swedish Example: Stopping Prostitution and Trafficking Where It All Begins’, The Swedish Institute, 2010.

³⁶ Inspection générale des affaires sociales, ‘Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées’, 2019.

³⁷ Cho, S.-Y., et al., ‘Does legalized prostitution increase human trafficking?’, *World Development*, Vol. 41, 2013, pp. 67-82.

³⁸ Farley, M. et al., ‘Männer in Deutschland, die für Sex zahlen – und was sie uns über das Versagen der legalen Prostitution beibringen: ein Bericht über das Sexgewerbe in 6 Ländern aus der Perspektive der gesellschaftlich unsichtbaren Freier’, Berlin, 8 November 2022.

safeguards for persons in vulnerable situations engaged in prostitution or for those outside the system of registration, thus potentially undermining efforts to prevent trafficking; whereas one of the key demands resulting from this legal opinion is to introduce tools and measures that aim to reduce demand;

- AJ. whereas every Member State's regulation of prostitution must also aim to end human trafficking and organised crime, with a particular focus on protecting people, especially women, in vulnerable situations; whereas prostitution has an overwhelming impact not only on women and their rights, but also on the whole of society and on gender equality and thus requires specific measures to combat its causes; whereas there is a need for a common approach to and understanding of force, coercion, the exploitation of vulnerability, abuse of power and inequalities in existing prostitution laws and regulations in various EU Member States; whereas this fight can only be effective at protecting women and girls from exploitation when an approach that both protects victims and tackles the demand for prostitution is applied and when measures such as those criminalising persons who exploit is enforced; whereas research by the OSCE³⁹ has shown that the use of prevention measures aimed at reducing demand remains low in general, but is highly concentrated in countries where buying sex is illegal or where using services provided by trafficking victims is criminalised; whereas Ireland and New Zealand have similar populations, but the amount of people in prostitution in Ireland is five to eight times lower, due to the introduction of the Nordic/Equality model in the country^{40, 41};
- AK. whereas the Member States should ensure that procuring, hiring or enticing another person for the purposes of prostitution, as well as obtaining any profit from the prostitution of another person, are punishable as criminal offences; whereas the Member States should ensure that, when an offence is committed with the intention of earning profit or gain or when an offence actually results in profit or gain stemming from the prostitution of another person (i.e. profiting from human trafficking), this profit is considered to be an aggravating circumstance;

Comparison between Member States

1. Notes that approaches to address prostitution vary across the EU and target three key components of this system through the use of administrative or criminal law: people in prostitution, the purchase of sex (i.e. demand) and the involvement of exploitative third parties such as pimping⁴²; stresses that the different laws have different effects on women in prostitution, their rights, their ability to access healthcare, social services and the justice system, women's rights in general, gender equality, demand, trafficking, societal attitudes and neighbouring Member States; highlights the obligation of all Member States to promote an inclusive society and protect people and especially

³⁹ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation', Vienna, 2021.

⁴⁰ Crouch, D., 'Swedish Prostitution law Targets Buyers, but Some Say It Hurts Sellers', *New York Times*, 14 March 2015.

⁴¹ Claude, K., 'Targeting the Sex Buyer – The Swedish Example: Stopping Prostitution and Trafficking Where It All Begins', The Swedish Institute, 2010.

⁴² As defined in the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

women in vulnerable situations;

2. Underlines that the greater the asymmetry between national prostitution legislation within the EU, given that the prostitution markets and its actors operate across borders, the more victims of trafficking for sexual exploitation there are; underlines, further, that the difference between Member States' regulations on prostitution create a fertile operating ground for organised crime groups and individuals⁴³; notes that some Member States may attract more trafficking flows for the purposes of sexual exploitation than others; calls on the Member States to introduce effective measures to reduce the demand for prostitution and therefore trafficking in human beings, sexual exploitation and the operating of organised criminal groups;
3. Regrets the lack of reliable, accurate data comparable across countries related to prostitution, sexual exploitation, violence in prostitution and the impact of exit programmes; highlights the urgent need to further improve and better coordinate cross-border cooperation in collecting and exchanging reliable, accurate, anonymised data disaggregated by, but not limited to, gender, racial or ethnic origin, age, socio-economic class and nationality, which is comparable across Member States; calls, therefore, on the Member States to work even closer together with the European Union Agency for Fundamental Rights, the European Institute for Gender Equality and Europol in order to step up collaboration and exchanges of information and data and to examine their experiences based on these data;
4. Notes the fact that several European countries strive to protect people in prostitution and their rights by creating different legal frameworks on different facets of prostitution, include traditionally discriminated against and marginalised people in prostitution in policy-making and provide subsidies to support their grassroots organisations in better addressing the needs of the most marginalised; notes that in countries like Austria⁴⁴, Germany and the Netherlands, authorities have come to the conclusion that it would be most beneficial for the rights of people in prostitution to create a legal framework legalising all facets of prostitution, while other countries such as Sweden, France, Spain and Ireland have instead decided to protect the rights of women in prostitution by opting to decriminalise people in prostitution while criminalising buyers, by applying the 'Nordic/Equality model' approach;

Reality in prostitution

5. Notes that women in prostitution experience more violence than women on average; refers to a 2013 study by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth⁴⁵, according to which 41 % of the women in prostitution surveyed had experienced physical or sexual violence (or both) in the context of prostitution;

⁴³ Di Nicola, A., 'The differing EU Member States' regulations on prostitution and their cross-border implications on women's rights', European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, 27 July 2021.

⁴⁴ Working Group on Prostitution of the Federal Chancellery of the Republic of Austria, 'Regelung der Prostitution in Österreich – Empfehlungen der Arbeitsgruppe „Prostitution“', April 2021.

⁴⁵ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 'Health, Well-Being and Personal Safety of Women in Germany– A Representative Study of Violence against Women in Germany', 2004.

6. Underlines the findings of several studies on the experiences of women in prostitution with abuse in childhood and adolescence⁴⁶; notes^{47, 48, 49} that these experiences can lead to women and girls normalising prostitution; highlights, in this regard, the urgent need to strongly fight child abuse and points out the responsibility of families in all their diversity and all those with a duty of care for children, such as teachers and trainers, among others;
7. Underlines that the European Parliament recognised, in its resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality, that prostitution and sexual exploitation are violations of human dignity, contravene human rights principles such as gender equality and are therefore contrary to the principles of the Charter of Fundamental Rights of the European Union; recalls that it defined prostitution as a serious form of violence and exploitation in its resolution of 5 July 2022 on women's poverty in Europe⁵⁰;

Impact on women in prostitution

8. Notes that prostitution is not an individual act of a person renting his or her body for money, but rather it is a system organised for profit which is intrinsically violent, discriminatory and deeply inhuman and that operates as a business and creates a market where pimps plan and act to secure and increase their markets and where buyers of sex play a key role in boosting them;
9. Condemns the reality of coercion, manipulation, violence and exploitation in prostitution and points out that the lack of language skills of women and minors, as well as their vulnerabilities and precarious conditions, are exploited to make them enter and stay in prostitution; acknowledges that prostitution is linked to structural violence to which women are disproportionately exposed and that often creates precarious life situations that drive women and girls into prostitution; underlines, further, that prostitution is difficult to leave; calls for an EU-wide approach based on the Nordic/Equality model to finally use all promising instruments that have proven efficient in reducing human trafficking for the purpose of sexual exploitation; demands the introduction of efficient policies that eliminate poverty and improve social protection, tackle school failure, promote education, including sexuality and relationship education, and equal opportunities and treatment, and the establishment of inclusive policies that support women's empowerment and economic independence, along with measures that condemn those who exploit them;
10. Notes that the deterioration of the social and economic situation as a result of the COVID-19 pandemic has increased all forms of abuse and violence against women, including sexual exploitation, which violates their human rights; warns that this will be further aggravated by the current energy and cost-of-living crisis, with many women in vulnerable situations being driven into poverty and social exclusion; highlights, as an extreme example, the high risk which Ukrainian women and girls face of being

⁴⁶ Idem.

⁴⁷ Pennsylvania Coalition Against Rape, 'The Intersection Between Prostitution and Sexual Violence', 2013.

⁴⁸ Göttfried, N., 'Prostitution as a result of child abuse', Hope for the Future, accessed 14 July 2023.

⁴⁹ Scelles Foundation, 'Sexual Exploitation – New Challenges, New Answers', 2019.

⁵⁰ OJ C 47, 7.2.2023, p. 2.

trafficked for the purpose of sexual exploitation due to their vulnerable situation having fled from Russia's war of aggression against Ukraine and relocated to other countries⁵¹; points out that this generally affects women and girls fleeing from and living in regions suffering from crisis and conflict⁵²;

11. Underlines that an inherent element of agency is the capacity to give and withhold consent; notes that consent can only be given freely when there is no power imbalance between the people involved and when there is no use of threat, violence, deception or coercion; notes, further, that consent obtained through the giving or receiving of payments or benefits is baseless; notes, at the same time, that it can be extremely difficult for people to realise that they are victims, especially when they are not aware of their rights, and recalls the dynamics of an abusive relationship; underlines, in addition, that the voices of women in prostitution should always be listened to and recalls the need for informative, respectful educational and awareness-raising programmes to make women aware of their rights and obligations and give them agency and the possibility to make informed and free decisions about their private and sexual life;
12. Condemns the fact that people in prostitution, especially women in poverty, as well as migrant, racialised and LGBTIQ+ people, lack legal security because of their disproportionate and de facto criminalisation, high levels of surveillance, the issuance of fines and house raids; notes that this means that they face the constant threat of police and judicial persecution, are subject to additional marginalisation and stigmatisation that negatively affect their physical and mental health, consequently experience difficulties when reaching out for help and often lack access to fundamental rights; condemns the fact, furthermore, that the presumption of criminality and discriminatory treatment often prevents them from seeking justice when they encounter physical or sexual violence or extortion for fear that they will instead become the focus of a criminal investigation⁵³ or experience unconstrained publicity and social pressure that can affect their private life and family; calls for full access to non-discriminatory, universal and high-quality health and social services, as well as to the justice system, for everyone, including for people and in particular women in prostitution; deplores the fact that, at the same time, exploitative third parties including brothel owners and human traffickers, as well as buyers, often remain unpunished; calls on the competent authorities within the Member States to increase their efforts to end their impunity;
13. Points out the negative consequences of the decriminalisation of pimping and the purchase of sex, which, through the apparent societal normalisation of these activities, leads to an increase in the trafficking in human beings for sexual exploitation and conceals the reality of coercion, manipulation, violence and exploitation in prostitution, where a lack of language skills, vulnerabilities and precarious conditions are exploited to make women enter and stay in prostitution; regrets the fact that even the legalisation of prostitution, pimping and the purchase of sex does not mean an end to the stigma for women in prostitution;

⁵¹ Siegfried, K., 'Ukraine crisis creates new trafficking risks', UN High Commissioner for Refugees, 13 April 2022.

⁵² Carling, J., 'Trafficking in Women from Nigeria to Europe', Migration Policy Institute, 1 July 2005.

⁵³ Council of Europe, 'Impact of COVID-19 on women's access to justice', 2022.

Demand

14. Notes that prostitution and trafficking for sexual exploitation exist because there is a demand for it; stresses that, besides addressing the vulnerability of potential victims and prosecuting traffickers and facilitators, among others, demand reduction is a key instrument for the prevention and reduction of human trafficking, as it targets financial incentives; believes, therefore, that this should be developed further in the revision of the EU Anti-Trafficking Directive; underlines the importance of discouraging demand in a way that does not harm or create negative repercussions for those in prostitution; notes that strategies to address demand should focus on the rights of individuals and on addressing discriminatory attitudes and beliefs, particularly those directed against women and migrants⁵⁴;
15. Notes that the ‘knowing use’ approach of victims of trafficking has proven to be ineffective in order to reduce sexual exploitation due to the impossibility of proving a buyer’s knowledge; points out, in this context, that people voluntarily in prostitution are so few in number that they alone cannot meet demand; calls, therefore, for awareness to be raised about the fact that people who want to buy ‘sexual services’ are at high risk of de facto buying exploitation due to the high number of people forced or lured into prostitution;
16. Notes that the decriminalisation of pimping and of the purchase of sex increases demand, empowers the demand side and normalises sex buying; underlines that the stigmatisation of people in prostitution nevertheless persists in this system; refers to studies^{55, 56, 57} showing that the normalisation of buying women’s bodies goes hand in hand with a greater use of violence against women and a greater sense of entitlement towards women in prostitution and women in general; notes that only if demand is reduced can the prostitution market, and therefore the number of those exploited in it, shrink;
17. Notes the fact that a number of countries are taking up and implementing the Nordic/Equality model in different ways; supports the overarching gender-specific objective of this model which seeks to reduce demand and its goal of achieving gender equality, including a paradigm shift; highlights the model’s positive effects on the rights of people, in particular women, in prostitution, the normative effect in society and the fight against human trafficking^{58, 59, 60}; highlights, however, that work and research are

⁵⁴ Office of the UN High Commissioner for Human Rights, ‘Recommended Principles and Guidelines on Human Rights and Human Trafficking’, 20 May 2002.

⁵⁵ Farley, M. et al., ‘Comparing sex buyers with men who do not buy sex: New data on prostitution and trafficking’, *Journal of Interpersonal Violence*, Vol. 32, No 23, pp. 3601–3625, 2017.

⁵⁶ Demand Abolition, ‘Who Buys Sex? – Understanding and Disrupting Illicit Market Demand’, November 2018.

⁵⁷ Farley, M. et al., ‘Männer in Deutschland, die für Sex zahlen – und was sie uns über das Versagen der legalen Prostitution beibringen: ein Bericht über das Sexgewerbe in 6 Ländern aus der Perspektive der gesellschaftlich unsichtbaren Freier’, Berlin, 8 November 2022.

⁵⁸ Di Nicola, A., ‘The differing EU Member States’ regulations on prostitution and their cross-border implications on women’s rights’, European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens’ Rights and Constitutional Affairs, 27 July 2021.

⁵⁹ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, ‘Discouraging the demand that fosters trafficking for the purpose of sexual exploitation’, Vienna, 2021.

⁶⁰ Inspection générale des affaires sociales, ‘Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte

still needed to ensure the practical achievement of the model's goals; underlines that when implementing the Nordic/Equality model, Member States should take advantage of best practices employed in other Member States;

18. Stresses that the decriminalisation of people in prostitution is the most efficient way in which people in prostitution can build trust in law enforcement and other assistance services; highlights that all measures taken may neither cause harm nor create negative repercussions for those in prostitution and must provide sufficient safeguards ensuring the eradication of discrimination against people who are experiencing more vulnerability due to their gender identity, sexual orientation, social and economic situation, legal status and origins, which permeates all aspects of their life, including in the context of poverty and migration;
19. Calls on the Member States to take urgent measures to tackle online advertisement and contact facilitation that directly or indirectly encourage prostitution or seek to attract buyers in order to prevent the exploitation of the prostitution of others also online, including the prostitution of students, in particular of young women, and the sexual exploitation of minors by wealthier and more influential men, also known as 'sugar daddyism';

Impact on human trafficking for sexual exploitation

20. Strongly condemns human trafficking for the purpose of the sexual exploitation of any people as a severe violation of human rights; highlights that, according to studies, its victims are especially women and girls, in particular those in vulnerable situations, such as migrant women, women in and from war and conflict zones, as well as from disadvantaged backgrounds, or LGBTIQ+ persons;
21. Notes the fact that some Member States have taken action, in an attempt to tackle persistent problems relating to prostitution, by legalising all facets of prostitution, aimed at ending the stigmatising and dependency of women in prostitution and giving them more safety and labour rights; recognises, however, that the legalising model did not bring these intended improvements for women in prostitution, as figures in several EU countries show; is concerned about the fact that where prostitution is legal, it is much easier for traffickers to use the legal environment to exploit their victims and that the use of legal businesses to cover up exploitative activities is quite common for human traffickers, making it, at the same time, difficult for police and law enforcement bodies to effectively combat trafficking in human beings; stresses that exploiters increasingly seek to exploit their victims in the context of supposedly voluntary business agreements where victims must hand over a share of earnings in exchange for protection and support⁶¹; calls, therefore, on the Member States to ensure that current legislation and regulations are properly reviewed so as to avoid any loopholes which allow criminals to act with impunity; recalls that the prostitution market and its actors operate across borders; calls, therefore, for measures at EU and Member State level for effectively tackling the cross-border implications of prostitution and for Member States and the Commission to coordinate a pan-European approach by collecting comprehensive data

contre le système prostitutionnel et à accompagner les personnes prostituées', 2019.

⁶¹ Europol, 'European Union Serious and Organised Crime Threat Assessment – A Corrupting Influence: The Infiltration and Undermining of Europe's Economy and Society', 14 December 2021.

which could form the basis of a study analysing the different measures at Member State level with a focus on banning the purchase of people in prostitution in general, and of those under the age of 21, of pregnant people in prostitution and of people in street-based prostitution, and a general ban on advertisement for prostitution; calls on the Commission to develop common EU guidelines guaranteeing fundamental rights for people in prostitution;

22. Stresses that human trafficking for the purpose of sexual exploitation, including child sexual abuse, is increasing due to high demand^{62, 63, 64, 65}; points out that this is particularly visible in countries with a liberal regulatory model, whereas Member States such as France and other countries that follow approaches like the Nordic/Equality model are no longer big markets for human trafficking for that purpose⁶⁶; notes that due to demand-reducing measures in place in these countries, trafficking for the purpose of sexual exploitation still exists, but is decreasing^{67, 68}; calls, therefore, on the Member States to take a holistic approach to better protect women in prostitution and to introduce the Nordic/Equality model to deal with trafficking, sexual exploitation and prostitution in a way that proactively incorporates the positive aspects of regulated prostitution, ensuring that all relevant parties, such as the police and other law enforcement agencies, social and medical services and non-governmental organisations (NGOs), are supported, involved in decision-making processes and work together in close cooperation;
23. Stresses that tackling human trafficking, poverty and social exclusion are inextricably linked, the key aspects of which are: economic development, enhanced status of work and workers, higher wages and pensions, fairer distribution of wealth, the development of a robust public social security system, a public, universal and free-of-charge national health system, and public schools that ensure that all people enjoy equal rights and opportunities;
24. Stresses that on 12 April 2023, the European Court of Human Rights agreed to consider the complaints of 261 sex workers from France who want it to be recognised that French law has infringed their fundamental rights, especially the right to health and safety and the right to respect for private life;
25. Stresses the need to tackle prostitution in the Turkish-occupied territories of Cyprus and

⁶² Di Nicola, A., 'The differing EU Member States' regulations on prostitution and their cross-border implications on women's rights', European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, 27 July 2021.

⁶³ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation', Vienna, 2021.

⁶⁴ Statista, 'Anzahl der abgeschlossenen Ermittlungsverfahren im Bereich Menschenhandel zum Zweck der sexuellen Ausbeutung in Deutschland von 2005 bis 2021', October 2022, accessed 14 July 2023.

⁶⁵ Special Rapporteur on trafficking in persons, especially women and children, 'Demand fosters human trafficking', Office of the UN High Commissioner for Human Rights, 2 July 2013.

⁶⁶ Scelles Foundation, 'Sexual Exploitation – New Challenges, New Answers', 2019.

⁶⁷ Di Nicola, A., 'The differing EU Member States' regulations on prostitution and their cross-border implications on women's rights', European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, 27 July 2021.

⁶⁸ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 'Discouraging the demand that fosters trafficking for the purpose of sexual exploitation', Vienna, 2021.

calls on the Commission to address this issue with immediate effect;

Cross-border impact

26. Notes that women in prostitution have different rights and levels of protection in different EU Member States; stresses that while the competence to regulate prostitution remains with the Member States, people in prostitution must be able to enjoy the rights enshrined in the EU Charter of Fundamental Rights; condemns the highly sexist, racist and marginalising nature of the system of prostitution, given that, on average, 70 % of the individuals in prostitution in the EU are migrant women⁶⁹, reflecting the social and economic differences in the EU and worldwide⁷⁰;
27. Emphasises that the majority of sex trafficking flows within the Union involve EU citizens; recalls that 53 % of the victims of trafficking for sexual exploitation within the Union have EU citizenship⁷¹; recalls that one study found that 73.6 % of individuals who used foreign persons in prostitution had a medium or high probability of having entered into contact with a victim of sex trafficking⁷²; stresses that evidence shows that men are aware of the signs of trafficking that they observe, including the person in prostitution having scant knowledge of the local language or visible signs of abuse⁷³; highlights that research shows that individuals employ ‘neutralisation techniques’ aimed at denying the existence of trafficking⁷⁴;
28. Stresses that some EU Member States have more victims of trafficking in human beings than others;

Impact on gender equality and women’s and sexual minorities’ rights

29. Recalls that women in the LGBTIQ+ communities, including persons in prostitution themselves, must be meaningfully involved and included in the development of national prostitution policies and wider European discussions;
30. Emphasises that women in all their diversity have, among others, the fundamental rights to physical and mental integrity, respect for private life and family, to choose an occupation and to engage in work;
31. Emphasises that the gender-specific nature of prostitution and its exploitation reflects and replicates the prevailing power relations; stresses that intersectional discrimination

⁶⁹ According to the European Women’s Lobby. In comparison, an estimated 90-95 % of people registered in prostitution in Austria are migrants, according to Berufsvertretung Sexarbeit Österreich, ‘Zahlen/Daten/Fakten’, accessed on 14 July 2023.

⁷⁰ Federal Statistical Office of Germany, ‘Roughly 23,700 prostitutes registered with authorities at the end of 2021’, Press release No 277, 1 July 2022. According to https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/07/PD22_277_228.html, for example, in Germany only 1 in 5 of the people registered in prostitution hold German citizenship and most of the people, especially women, in prostitution in Germany (78 %) are between 21 and 44 years old.

⁷¹ Di Nicola, A., ‘The differing EU Member States’ regulations on prostitution and their cross-border implications on women’s rights’, European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens’ Rights and Constitutional Affairs, 27 July 2021.

⁷² Idem.

⁷³ Idem.

⁷⁴ Idem.

further exacerbates this power imbalance; underlines that the majority of people in prostitution are women, which widens the inequality gap between the genders; underlines, further, that prostitution and sexual exploitation are both a cause and a consequence of the unequal treatment of women and men, sexism, racism, ableism, poverty and social exclusion and replicate and perpetuate stereotypes about women and men and other genders and marginalised groups in general;

32. Stresses the different effects of different regulatory measures and, thereby, of the perpetuated stereotypes and power relations, on men, young people and society as a whole; stresses that the normalisation of prostitution through the legalisation of the purchase of sex has a negative impact on young people's perceptions and expectations of sexuality and relations between women and men and their understanding of gender equality; highlights that there appears to have been a significant and positive shift in attitudes among boys and men in Sweden since the introduction of the Nordic model, whereby women in prostitution are seen less as objects to satisfy men's sexual desire but instead as victims of exploitation and whereby this dissuades them from purchasing sex; highlights the results of a US-led study⁷⁵ on the opinions of clients of prostitution in different countries; highlights that 55 % of German sex buyers interviewed for this study admitted to having observed or paid a pimp or trafficker when buying sex and 39 % of German sex buyers interviewed felt entitled to do whatever they wanted to a woman in prostitution after paying for her; points out that the human rights of women and girls are inalienable, but are systematically breached on the prostitution market due to its exploitative conditions, particularly their right to dignity; calls on the Commission to put forward awareness-raising campaigns, with the aim of discouraging demand, highlighting the link between the demand for sexual services and the phenomenon of trafficking for sexual exploitation and the high numbers of women being trafficked within and to the European Union; calls, further, for awareness-raising about the particular risks people and especially women in prostitution face, including the high prevalence of gender-based violence; calls for these campaigns to further target young people and men while also dismantling stereotypes;
33. Emphasises that sexuality education is an essential measure in working towards a violence-free society as it challenges harmful gender stereotypes and promotes diversity, bodily autonomy and physical and mental integrity; notes that sexuality education sheds light on the social taboo of sexuality and addresses it as an integral part of our lives related to our health and well-being;
34. Condemns the negative effects of certain types of pornography which reproduce harmful stereotypes and alter perceptions about relationships and sexuality, thereby impeding gender equality;

Role of the Member States and the EU

35. Underlines the Member States' legal obligation to protect women's rights and physical integrity and promote gender equality and diversity; highlights the EU's role in doing this within the international community and in guaranteeing equal protection and

⁷⁵ Farley, M. et al., 'Männer in Deutschland, die für Sex zahlen – und was sie uns über das Versagen der legalen Prostitution beibringen: ein Bericht über das Sexgewerbe in 6 Ländern aus der Perspektive der gesellschaftlich unsichtbaren Freier', Berlin, 8 November 2022.

safeguarding equal rights across the Member States; calls on all the Member States which have not yet done so to ratify the Istanbul Convention as soon as possible;

36. Commends the Member States striving to achieve the inclusion of people in prostitution and providing subsidies to support their grassroots organisations and NGOs in order to better address their needs and the rights of the most marginalised people, including the identification and referral of exploited and trafficked people; calls on the Member States to train and educate staff at all levels, especially in law enforcement, including the police, as well as judicial and other legal services, in order to guarantee the enjoyment of rights without prejudice against or stigma attached to those in prostitution; calls, further, on the Member States to ensure that people, in particular women in prostitution, and these services communicate with each other on a basis of trust and that these services are therefore able to detect exploitation as quickly and effectively as possible; condemns the fact that laws and policies aimed at combating trafficking in people have often been used to identify, detain and deport undocumented migrants without providing them with either assistance or compensation⁷⁶ and result in migrant women in prostitution being evicted from their homes, detained and deported; recalls that people experiencing more vulnerability due to their gender identity, sexual orientation, social and economic situation, legal status and origins are overrepresented in prostitution; condemns the fact that they are especially targeted and criminalised; calls on the Member States to ensure, among other aspects, that women in prostitution have equal access to justice, healthcare, housing, employment and public services and enjoy equal protection under the law; calls on the Member States to ensure adequate provision of contraception as a means of preventing sexually transmitted infections, as well as unwanted pregnancies, for people in prostitution; calls, particularly, on the Government of Poland to ease Poland's restrictions on contraception, especially emergency contraception, and on safe and legal abortion care;
37. Calls on the Commission to ensure that funding from the Citizens, Rights, Equality and Values programme is accessible for the whole of civil society;
38. Calls on the Member States to take action in the areas of prevention, decriminalisation of people and especially women in prostitution, demand reduction, punishment of clients, destigmatisation and the elimination of stereotypes, and to ensure sufficiently financed, easily accessible, high-quality exit programmes and pathways out; calls on the Member States to reduce demand while protecting people in prostitution and their rights and unconditional access to social security systems and integration by moving towards the Nordic/Equality model; emphasises that the way forward is to adopt support measures that help people leave prostitution in order to build the life they want; calls on the Member States to ensure that people in prostitution are actively involved in policy-making concerning their rights;
39. Calls on the Member States to develop information and awareness-raising campaigns highlighting the importance of consent;
40. Draws attention to the rules under Regulation (EU) 2016/679⁷⁷ on using and sharing

⁷⁶ 'Report of the Special Rapporteur on the human rights of migrants', 25 September 2018, paragraph 70.

⁷⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and

personal data beyond the scope for which personal data is collected; underlines that data collected from victims seeking support may not be passed on to other authorities, except on the legal basis of the data subject's express consent; takes note that the illegal sharing of personal data may have severe consequences for the data subject and should be considered under Article 83(5) of that regulation;

41. Calls on the Member States to ensure that it is punishable as a criminal offence to solicit, accept or obtain a sexual act from a person in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit;
42. Calls on the Member States to ensure that it is punishable as a criminal offence to exploit the prostitution of another person even with the consent of that person;
43. Calls on the Member States to take measures to combat the economic, social and cultural causes of prostitution so that women in situations of poverty, social exclusion, discrimination and migration do not fall victim to this form of exploitation;
44. Calls on the Member States to tackle all kinds of insecure working conditions, in accordance with the principle that permanent employment contracts should be provided for permanent jobs, in order to improve social protection during unemployment and tackle growing poverty, particularly among women;
45. Notes that the majority of women in prostitution would like to give up prostitution and that, therefore, efforts should be made to promote alternatives and pathways out so that women who wish to do so have the confidence and support, including state support, to build a life free from violence and prostitution; calls on the Member States to undertake awareness-raising initiatives aimed at informing people in prostitution about their rights, regardless of their legal status and access to alternatives; underlines that for an exit programme to be successful it must be readily accessible and also able to help women who have mental illnesses, those who do not speak the Member State's language, those who have experienced duress and exploitation, as well as those with a history of addiction^{78, 79}; calls on the Member States to implement specific measures and to provide sufficient financial support for people wanting to leave prostitution, in order to facilitate their social and professional integration; calls on the Member States to commit the necessary resources to social programmes designed to address and mitigate the root causes that make people enter and stay in prostitution by strengthening medical, financial, legal, employment, education and training for people in prostitution and in vulnerable situations; calls, further, on the Member States to commit resources to provide support for victims of domestic and sexual violence and for reception centres as called for in the Commission's proposal for a directive on combating violence against women and domestic violence; calls for such programmes to be implemented gradually, for women to be supported on their personal paths, for people's potential to be recognised and for professional training and further education programmes to be

repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁷⁸ Anklesaria A. and Gentile, J., 'Psychotherapy with women who have worked in the "sex industry"', *Innovations in Clinical Neuroscience*, Vol. 9, No 10, 2012, pp. 27-33.

⁷⁹ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 'Health, Well-Being and Personal Safety of Women in Germany– A Representative Study of Violence against Women in Germany', 2004.

adapted to take account of this, with a special focus on people with a migration background;

46. Calls on the Member States to introduce comprehensive psychological, medical and socio-economic and administrative support, as well as support in the regularisation of the residency status of victims and survivors of prostitution; calls for this support to include a range of measures that facilitate their social and professional inclusion such as easy access to social protection mechanisms (minimum basic income, support for housing and healthcare, further schooling and access to vocational training), and that guarantee that their children have access to social provisions; emphasises that this support and advice should be confidential and should be designed to protect the anonymity of victims where requested; calls on the Commission to integrate gender budgeting into all instruments under the 2021-2027 multiannual financial framework, including the Citizens, Equality, Rights and Values programme, the European Social Fund Plus (ESF+) and the structural and cohesion funds; calls, further, on the Commission to use these funds to ensure access to essential services such as housing, healthcare and education, as well as to guarantee pathways out of exploitative labour, especially for the most marginalised groups, including people in prostitution;
47. Stresses the need for exit programmes to benefit from women's talents and their potential and to facilitate capacities and their access to training, education, jobs and credit; highlights the crucial role the private sector plays, which is complementary to the state's obligation; underlines the need for women role models, founders and business owners to help support people formerly in prostitution to make the most of their talents and carry out their own projects, including entrepreneurial projects; notes that programmes for women seeking to leave prostitution are best able to help them in an inclusive, dynamic, creative and innovative economy that enables them to enter good quality, well paid and socially recognised jobs that represent a viable alternative to prostitution; calls for the EU to increase awareness-raising programmes and employment opportunities, in particular through the ESF+; calls on the Commission to launch a programme to encourage women in prostitution (both formerly and currently) to join a training scheme that would help them kick start their own entrepreneurial activity;
48. Highlights the fact that people who had to commit criminal acts while being exploited should not be prosecuted for those acts;
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49. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

The debate on the issue of prostitution and its regulation is currently underway in many Member States and worldwide. The regulations, which differ from Member State to Member State, lead to diverse realities for and impacts on people in prostitution that prove disappointing and do not do justice to them and their individual situations.

The topic, which in principle only affects a few people in society directly, is discussed emotionally, sometimes even relentlessly. Considering that prostitution, its exploitation and trafficking with the purpose of sexual exploitation are increasing, gender-specific and global phenomena, impacting the most discriminated in our societies, we have to make sure that women's rights are at the heart of this discussion. We furthermore have to acknowledge: it is the most vulnerable women and girls in society that we find in prostitution - worldwide. We furthermore know that the most marginalized do not find themselves there on the basis of a truly free decision, but often out of a bitter lack of alternatives in a capitalist and patriarchal society. The apparent normalization of prostitution taking place in many Member States masks the reality of coercion, manipulation, violence and exploitation. It hides the fact that a lack of language skills, precarious situations, poverty and social exclusion are used to bring women into prostitution to ensure men's access to women's bodies. A new study questioning the johns in Germany found out that most of the sex buyers know that women in prostitution are neither free nor voluntarily where they are. Moreover, it shows that they do accept this, prefer to turn a blind eye on their situation or that it even gives them an additional feeling of power.

Prostitution is a form of violence and both a cause and a consequence of gender inequality. The gender-specific nature of prostitution reflects the prevailing power relations in our society. Prostitution reproduces and perpetuates stereotypes about women and men. This clearly includes the view that women's and girls' bodies must be for sale in order to satisfy the male demand for sex, and the view that men must and have a right to live their sexuality with another person. This also has a clear impact on gender equality and the further realization of women's rights.

Prostitution also has cross-border implications for women, their rights and gender equality and therefore needs to be tackled collectively at European level to ensure that women everywhere enjoy the same rights and protection. Because figures show us that women in prostitution are increasingly exposed to violence and exploitation. Their health situation is particularly precarious compared to the rest of the population. Their stigmatization, which persists whether prostitution is legalised or not, also contributes to this. It is only the purchase side that is destigmatized, as well as the profiting from another person's prostitution. However, people in prostitution continue to be marginalized and stigmatized. In addition, access to their fundamental rights is hampered.

There are also a number of links between prostitution and organized crime, such as human trafficking, drug trafficking, etc. We know that in countries with decriminalized pimping and sex buying and the associated legal infrastructure, trafficking of vulnerable women and minors for sexual exploitation is facilitated and encouraged.

We need a Europe-wide approach so that the demand and market for prostitution does not

simply move to the next Member State and that women's rights can be secured across borders and all women can be protected from exploitation.

The criminalization of people in prostitution cannot be a solution. It only results in a lack of legal security, with the constant threat of police and court prosecution, additional vulnerability and stigmatization and negative effects on health and safety, as well as the resulting difficulty in contacting support services and a lack of access to basic rights for people in prostitution. It is therefore high time that the Member States take measures in the areas of prevention, decriminalization of people in prostitution, while supporting exit and reintegration programs, destigmatization and the reduction of stereotypes and do not shy away from punishing clients. Because in the end it is their demand that is the basis for the exploitation taking place in prostitution. Demand makes trading in women attractive. Demand takes advantage of vulnerabilities and the lack of alternatives. And demand legitimizes a system of inequality and exploitation in which women and children are the primary victims.

Feminism is the fight against a system, against patriarchy. This fight has always provoked protests. The fact that there is no such protest in the case of the legalization of pimping and the purchase of sex should give food for thought.

MINORITY OPINION

The terms used in this report, i.e. “prostitution”, “women in prostitution”, denote value judgements, carry connotations of criminality and immorality, and stigmatise a marginalised community; people who sell sexual services prefer the term “sex workers” because the use of “prostitute” contributes to their exclusion from society, including access to health, legal and social services;

We see that the criminalisation of any element of sex work often compromises the safety of people selling sex, leading them to work covertly and preventing them from organising and effectively addressing exploitation in the sex industry.

Legislation around sex work should be developed with a human rights-based approach. We urge the Commission and Member States to develop measures and strategies to recognise sex workers and protect them, tackling the discrimination they face and ensuring their consultation and inclusion in all conversations around the policies that affect their lives.

Deeply rooted gender stereotypes related to women’s sexuality and morality, further contribute to stigmatisation and discrimination of sex workers, based on their supposed transgression of gendered social and sexual norms. Far from contributing to the fight for gender equality, this report erases the voices of people, especially women, who have been fighting to be heard for years.

Signed,

Monika Vana & Karen Melchior,
Radka Maxova
Pina Picierno
Samira Rafaela
Diana Riba i Giner
Marco Zullo

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	27.6.2023
Result of final vote	<div style="display: flex; justify-content: flex-end; padding-right: 10px;"> <div style="text-align: right; margin-right: 10px;">+:</div> <div style="text-align: right;">16</div> </div> <div style="display: flex; justify-content: flex-end; padding-right: 10px;"> <div style="text-align: right; margin-right: 10px;">-:</div> <div style="text-align: right;">10</div> </div> <div style="display: flex; justify-content: flex-end; padding-right: 10px;"> <div style="text-align: right; margin-right: 10px;">0:</div> <div style="text-align: right;">3</div> </div>
Members present for the final vote	Isabella Adinolfi, Christine Anderson, Robert Biedroń, Vilija Blinkevičiūtė, Annika Bruna, Margarita de la Pisa Carrión, Rosa Estaràs Ferragut, Frances Fitzgerald, Lina Gálvez Muñoz, Alice Kuhnke, Elżbieta Katarzyna Łukacijewska, Radka Maxová, Karen Melchior, Johan Nissinen, Maria Noichl, Sandra Pereira, Pina Picierno, Samira Rafaela, Evelyn Regner, Diana Riba i Giner, Maria Veronica Rossi, Sylwia Spurek, Marco Zullo
Substitutes present for the final vote	Helène Fritzon, Ewa Kopacz, Eleni Stavrou, Monika Vana
Substitutes under Rule 209(7) present for the final vote	Colm Markey, Sira Rego

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

16	+
PPE	Isabella Adinolfi, Rosa Estaràs Ferragut, Frances Fitzgerald, Ewa Kopacz, Elżbieta Katarzyna Łukacijewska, Colm Markey, Eleni Stavrou
S&D	Robert Biedroń, Vilija Blinkevičiūtė, Helène Fritzon, Lina Gálvez Muñoz, Maria Noichl, Evelyn Regner
The Left	Sandra Pereira, Sira Rego
Verts/ALE	Alice Kuhnke

10	-
ID	Christine Anderson, Annika Bruna, Maria Veronica Rossi
Renew	Karen Melchior, Samira Rafaela, Marco Zullo
S&D	Radka Maxová
Verts/ALE	Diana Riba i Giner, Sylwia Spurek, Monika Vana

3	0
ECR	Johan Nissinen, Margarita de la Pisa Carrión
S&D	Pina Picierno

Key to symbols:

+ : in favour

- : against

0 : abstention