DRAFT 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 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 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 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 work of the UN Special Rapporteur on trafficking in persons, especially women and children,
- having regard to its resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality,
- 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 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 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 victims.

having regard to the Council of Europe resolution of 8 April 2014 entitled ‘Prostitution, trafficking and modern slavery in Europe’,

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 (A9-0000/2023),

A. whereas prostitution, its exploitation, and trafficking for the purpose of sexual exploitation are increasing; whereas they are gender-specific phenomena with a global dimension and affect the most marginalised members of our societies, with the vast majority of people in prostitution being women and girls and almost all sex buyers being men;

B. whereas the internationally accepted wording used in most legally binding texts is prostitution of women and prostitution;

C. whereas different regulatory measures concerning prostitution have different effects on gender equality;

D. whereas women in prostitution face more violence and exploitation than women on average;

E. whereas ensuring the physical integrity of all and guaranteeing equality and respect for women’s rights must be at the heart of Member State and EU policies;

F. whereas there are strong links between prostitution and organised crime such as human trafficking;

G. whereas numerous factors cause people to enter prostitution, including poverty, social exclusion and a migration background;

H. whereas prostitution has cross-border implications and affects women’s rights and gender equality; whereas the disparity of legislation on prostitution in the EU benefits traffickers and organised crime networks; whereas all Member States have a legal obligation to discourage and end human trafficking and organised crime;

Comparison between Member States

1. Notes that approaches to regulating prostitution vary across the EU and target three key components of this system: prostituted persons, the purchase of sex (i.e. demand), and pimping; stresses that the different laws have different effects on women in prostitution, their rights, women’s rights in general, gender equality, demand, society and neighbouring countries;

2. Regrets the lack of reliable, accurate and comparable data across countries;

Reality in prostitution

3. Notes that women in prostitution experience more violence than women on average; refers to a 2019 study by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, according to which 41 % of the women in prostitution experience more violence than women on average;
surveyed had experienced physical or sexual violence (or both) in the context of prostitution;

4. Underlines the findings of this study with regard to the experiences of women in prostitution with abuse in childhood and adolescence;

5. Underlines that consent can only be given freely when there is no power imbalance between the people involved; notes, at the same time, that it can be extremely difficult for people to realise that they are victims, especially when they do not know their rights, and recalls the dynamics of an abusive relationship;

6. 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 prostitution; warns that this will be further aggravated by the current energy and cost-of-living crisis;

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 Europe⁴;

Impact on women in prostitution

8. Condemns the fact that women in prostitution lack legal security because of their criminalisation, meaning they face the constant threat of police and judicial persecution, are subject to additional vulnerability and stigmatisation that negatively affect their health, consequently experience difficulties in contacting support services and lack access to fundamental rights; deprecates the fact that, at the same time, clients, brothel owners and human traffickers often remain unpunished;

9. 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;

10. Welcomes the fact that an increasing number of countries are taking up and implementing the Nordic/Equality model; supports the feminist background of this model and its goal of achieving gender equality, and highlights the model’s positive effects on the rights of people in prostitution and the fight against human trafficking;

Demand

⁴ Texts adopted, P9_TA(2022)0274.
11. Notes that prostitution and trafficking for sexual exploitation only exist because there is a demand for them;

12. 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, especially women, in prostitution nevertheless persists;

**Impact on human trafficking for sexual exploitation**

13. Is concerned that the legalisation of prostitution promotes legal structures behind which traffickers can hide;

14. Stresses that human trafficking for the purpose of sexual exploitation is increasing due to high demand; points out that this is particularly visible in countries with a liberal regulatory model, whereas countries that follow approaches like the Nordic/Equality model are no longer big markets for human trafficking for that purpose;

**Cross-border impact**

15. Notes that the different approaches to regulation in the EU have different effects and that women in prostitution have different rights and protections in different EU Member States; underlines that, on average, 70% of the individuals in prostitution in the EU are migrant women and that trafficking for the purpose of sexual exploitation mostly affects women and girls coming from the east of the European Union;

16. Stresses that the divergent rules mean that some EU Member States have more victims of trafficking in human beings than others and that free movement within the EU helps to move people from one market to the next;

**Impact on gender equality and women’s rights**

17. Emphasises that the gender-specific nature of prostitution reflects and replicates the prevailing power relations; stresses that prostitution and sexual exploitation are both a cause and a consequence of the unequal treatment of women and men and replicate and perpetuate stereotypes about women and men;

18. Stresses the different effects of different regulatory measures on men, young people and society as a whole;

**Role of the Member States and the EU**

19. Underlines the Member States’ obligation to protect women’s rights and physical integrity and promote gender equality, and highlights the EU’s role in doing this within the international community and in creating equal protection and equal rights across Member States;

20. Calls on the Member States to take action in the areas of prevention, decriminalisation of people in prostitution, exit programmes, demand reduction, punishment of clients, destigmatisation and the elimination of stereotypes; calls on the Member States to reduce demand while protecting women and their rights, to end the criminalisation and stigmatisation of people in prostitution and to ensure exit strategies and unconditional
access to social security systems and reintegration;

21. 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;

22. 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;

23. Calls for specific measures to assist women in prostitution with their social and professional reintegration; calls for such exit programmes to work gradually, for women to be supported on their personal paths and for people’s potential to be recognised, with and professional training and further education programmes being adapted to take account of this;

24. Calls for comprehensive psychological, medical and socio-economic support for victims and survivors;

25. 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.