

**Submission by SPACE Intl (Survivors of Prostitution Abuse Calling for Enlightenment) and other survivor leaders of sex trafficking and systems of prostitution worldwide, to the CEDAW Committee on Trafficking in and the Exploitation of Prostitution of Women and Girls in the Context of Global Migration, 72nd Session**

**22 February 2019**

We thank the CEDAW Committee for the opportunity to submit this document in connection with the Committee’s drafting of a General Recommendation based on Article 6 of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

We, the undersigned are survivors of the sex trade, including prostitution, pornography, strip clubs, and other sex establishments. We are leaders in the global movement to end violence and discrimination against women and girls. Collectively, we have experienced hundreds of years of abuse, violence, sexual violence, degradation, dehumanization as girls and women exploited in the sex trade, at the hands of men who purchased our bodies for their sexual pleasure, with impunity under the eyes of our respective governments. Individually, we were each exploited and violated by sex buyers, pimps, traffickers, madams, and others who sold us and profited from our exploitation, in violation of national and international laws.

Collectively, an overwhelming percentage of prostituted women and girls are Aboriginal, Indigenous, First Nations, or Native to their countries. We are African or of African descent; Latina or of Latin American descent; Asian or of Asian descent; minorities within our own countries, such as of Korean descent in China, or Roma in Eastern Europe, or from “Scheduled Castes” in India. The European colonization worldwide of Indigenous peoples and the centuries-long enslavement of millions of Africans across the Americas, continue to bear a highly negative impact on these peoples’ women and girls, who suffered the worst kinds of sexual violence and discrimination, including intergenerational prostitution. Many of our sisters around the world have perished in the sex trade, mostly unaccounted for in large part due to the low status our respective countries and cultures have assigned us.

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

Sexual violence is the most pervasive manifestation of inequality between men and women. This unequal power equation is also strongly influenced by socio-cultural and historical factors, and primarily involves elements of male control, power, domination, and humiliation over women and girls. That is the definition of the system of prostitution.

Examining prostitution within the universality of human rights calls on the CEDAW Committee to examine, with the lens of individuals whose responsibilities it is to uphold international law, human rights principles as they are meant to protect and promote the rights of women and girls. States parties have pledged to remedy the wrongs created by sex inequality, racial and gender discrimination and colonialism, wars and displacement, all key factors that allow traffickers and pimps to abuse marginalized women and girls for profit. The system of prostitution exists because of the social and legal acceptance of violence and discrimination, sexual violence and sexual harassment, by those who have power over those who have none. When we were homeless, hungry and without the support people, especially children, need, we would have wanted food and shelter, not being bought by men whose empathy for us was non-existent. What each sex buyer wants is exercise power, control and their sexual fantasies over people with absence of choice.

Although we have rarely, if ever, come across a prostituted woman whose life experience did not include any of the vulnerability factors that are linked to prostitution, a minuscule percentage among the prostituted populations sometimes claim that prostitution was a free and clear choice. States parties to CEDAW have an obligation to implement the Convention, having recognized that violence and discrimination against women and girls is a global scourge that requires immediate action. Member states must develop laws and policies for the public good and the majority of the harmed populations, not the infinitesimal exception. Taking a position that would lead to qualifying prostitution as a form of work or a stated reason for migration violates international law and human rights principles.

***On the terminology of “forced prostitution”***

The erroneous terminology of “forced prostitution,” “enforced prostitution,” or “forced sexual exploitation” have no place within the United Nations’ system, resolutions, declarations or other documents. These are concepts that lead States parties and their citizens to believe that an opposite structure of “forced sexual exploitation” or “forced prostitution” exists. These terms have the stated goal of grievously separating so-called consensual exploitation of prostitution from that what is the system of prostitution itself and its inherent violence and discrimination against women and girls. States parties have gathered time and again to ratify or affirm that no human being can consent to her own exploitation or human rights abuse. The system of prostitution is not an exception to that established paradigm.

Our lived experiences, the lost lives of our prostituted sisters and the experiences of millions of women and girls worldwide currently in the sex trade lead to the irrefutable truth that there is no “forced prostitution” and that prostitution is neither “sex” nor “work,” but one of the most egregious forms of sexual violence, degradation, and violations of the human rights of women.

Therefore, what women endure in prostitution is neither “sex,” nor “work,” but an endless stream of violence, degradation and dehumanization imposed on our bodies and minds we endured at the hands of sex buyers, pimps, brothel owners, and our other exploiters was neither sex, nor work.

It is impossible for women to exercise their full rights, to secure reproductive rights, to end the trafficking in women and girls, to eliminate violence against women and girls, to secure justice and freedom from exploitation, while upholding the system of prostitution. Prostitution embodies violations and discrimination against women within the aspects of economy, politics, culture and gender.  We know of no woman or girl who has developed her full potential or built economic security or lived a life free of violence through being bought and sold in prostitution.

Among the top strategies to addressing prostitution within a women’s rights framework is for governments to target the demand for prostitution by penalizing sex buyers; to provide comprehensive services to prostituted women and girls and offer them viable exit strategies to leave the sex trade should they be ready to do so. Without fully addressing the exploitation of prostitution, we guarantee that the CEDAW Committee will never achieve its stated goals, nor will States Parties under the Convention, at great cost to the lives and well-being of women and girls.

***On the abomination of the concept of “migration for ‘sex work”***

We are deeply troubled that the CEDAW Committee would review Article 6 in the context of global migration. This unfortunate linkage lends itself to the risk of framing the trafficking in women and the exploitation of prostitution as “migration for ‘sex work,’” which would inevitably lead to state-sanctioned licenses to traffickers, pimps, brothel owners to violate human rights principles and international law, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), to name just three conventions.

The clear majority of prostituted persons everywhere are female, and most have been prostituted and sex trafficked since childhood. The majority of us, the undersigned, were first bought by men in the sex trade as girls. We did not become, on our eighteenth birthday, “adult consensual ‘sex workers’” as so many like to propose, a notion steeped in the promotion and acceptance of paid male sexual harassment, violence and sexual violence against women, and men’s perceived rights to sexual access to women’s bodies.

News reports recently showed that alleged traffickers transported 20,000 Nigerian women and girls, between the ages of 16 and 30, to Mali. These women and girls would be shipped to European and Asian brothels and other sex establishments around the world, where sex buyers anticipate fresh bodies for purchase. Proponents of systems of prostitution would argue that these women and girls were “migrating to work” in the sex trade worldwide. Contemplating a “migration for ‘sex work’” framework or framing prostitution within the purview of “agency,” “consent,” or “choice” would lead the CEDAW Committee to endorse a global, organized system of extreme exploitation, sexual violence, human rights violations based on sex inequality and the dehumanization of women and girls, primarily from marginalized communities and the global south. We therefore urge the CEDAW Committee to analyze these arguments within the framework of the Convention and its efforts to address the eradication of violence and discrimination against women and girls.

The global, multi-billion-dollar sex trade is linked to organised criminal networks that profit immensely and illegally from the sale of women and girls for sexual acts and counting on sex buyers to sustain such incalculable profits. The CEDAW Committee would violate its obligations as a UN treaty body should it endorse such a framework whose goal is to mainstream and monetize grave human rights abuses against women and girls.

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

The obligations of the CEDAW Committee include reminding States parties to create economic and social conditions and ensure legal protections for women and girls to prevent the suffering, violence and the denial of dignity that we survived and hold perpetrators, including sex buyers, accountable.

We therefore urge the CEDAW Committee to add to the title of its General Recommendation the goal and purpose of Article 6, on which the Committee has committed to review, so that it reads: “Trafficking **and the Exploitation of Prostitution**…” (emphasis added)

We call on the CEDAW Committee to ensure that your General Recommendation on Article 6 identifies the vulnerabilities we endured that led to our trafficking and to our prostitution, such as homelessness, dysfunctional homes, histories of sexual abuse and incest, foster care or state residential homes, neglect, and being born female. Factors that led individuals to abuse their power and profit from our vulnerabilities.

We call on the CEDAW Committee and any United Nations treaty body to recognize that the terms “forced prostitution,” “enforced prostitution,” or “forced sexual exploitation,” are antithetical to the principles of the Universal Declaration of Human Rights, CEDAW, the 1949 Convention or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), among others, which recognize the imperative to uphold the inherent dignity of the human person.

We call on the CEDAW Committee to reiterate explicitly and clearly that trafficking is a mechanism through which traffickers bring their victims to a state of exploitation for profit as enumerated in the Palermo Protocol, and that the form of exploitation the CEDAW Committee is currently reviewing – the exploitation of prostitution - is a form of gender-based violence and discrimination. Recommendations on how to combat trafficking for purposes of sexual exploitation of women and girls are ineffective if the Committee does not remind States parties of their obligations to prevent, suppress and punish the stated human rights violation that is prostitution, which is the end goal of such traffic.

We urge the CEDAW Committee to call on States parties to develop access to comprehensive services and support, including housing, job development, medical, rehabilitation programmes, for trafficked and prostituted women, as well as exit strategies should women be ready to exit systems of prostitution. When States parties wrongly recognize prostitution as a form of labour, there is no incentive to develop such services or exit strategies.

We urge the CEDAW Committee to analyze Article 6 in harmony with the 1949 Convention, which articulates that prostitution and trafficking…” are incompatible with the dignity and worth of the human person….” and Article 9.5 in the Palermo Protocol, which calls on State Parties to take measures to enact measures, including legislative, cultural, educational and other measures, to discourage the demand that fosters the exploitation of persons that lead to trafficking…,” meaning sex buyers in the context of prostitution.

We urge the CEDAW Committee to recognize in its General Recommendation that the trafficking **and the exploitation of prostitution** denies the humanity and the dignity of the most vulnerable women and girls on earth, and inextricably compromises any efforts by States parties and civil society to realize equality for all women and girls and a life free of violence and discrimination.

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