**Comments from the Cross Party Group for Commercial Sexual Exploitation in the Scottish Parliament on the DRAFT CEDAW General recommendation on TWGCGM**

May 2020

**About us**

## Scotland is a devolved nation and has its own parliament. Cross-Party Groups (CPGs) provide an opportunity for Members of the Scottish Parliament (MSPs) to engage with external stakeholders on a particular subject.

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The purpose of the CPG for Commercial Sexual Exploitation is to change the law in favour of an end demand approach. Here is a link to our parliamentary page:

<https://www.parliament.scot/msps/commercial-sexual-exploitation.aspx>

**Acknowledgement**

We thank the CEDAW Committee for the opportunity to submit our observations and recommendations of the DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration.

**General Comments and Language**

We found the document to be a vast improvement on the previous draft and are delighted that the committee took on board the observations and comments of those consulted. We were extremely impressed by the exceptionally detailed definitions that were clearer than before and by the much more helpful discourse that was used in these definitions.

**Paragraph 1**

We commend the introductory paragraph in making explicit the legal responsibility on States to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” and applaud the tone and call for strategic global action contained therein.

**Paragraph 2**

We acknowledge the statement in paragraph 2 that refers to the failure of States to address demand, demonstrating that this is a substantial driver of trafficking of women and girls, stating: ‘the phenomenon persists due to States parties’ failure to effectively address the root causes of trafficking in women and girls and to discourage the demand that fosters the exploitation of women and girls, which leads to trafficking’. However, we believe this could go further by adding (in red); ‘to discourage the demand, which is inherent in the prostitution trade, that fosters the exploitation of women and girls, which leads to trafficking’

**Paragraphs 19-24**

We were impressed with the comprehensive list of drivers that make women and girls vulnerable to trafficking that were outlined in paragraphs 19-24, which include multiple forms of inequality, discrimination, poverty and migration.

However, we would have liked to have seen a more explicit statement that prostitution is the most significant driver for trafficking for the sex trade. Furthermore, many women who are involved in prostitution are coerced by pimps in a variety of ways, which fulfils the internationally legal definition of trafficking outlined in paragraph 7.

**Returning to Paragraph 1**

Having already confirmed that States have a legal responsibility to address demand (paragraph 1 above) we would assert that their laws concerning prostitution should be subject to international scrutiny concerning whether they effectively address demand for the sex trade or not.

There is plenty of evidence to show that the Swedish law, The Sex Purchase Act, which decriminalizes the selling of sexual services and criminalizes the purchase of them has impacted demand in Sweden dramatically and lowered the numbers of women and girls who are prostituted and trafficked there.[[1]](#endnote-1) Furthermore, it has not only reduced the number of women and girls involved in the sex trade, it has changed the attitude of citizens to the concept of buying sex.[[2]](#endnote-2) So, not only is the Sex Purchase Act a deterrent to buyers who don’t wish for their activities to be made known to families and colleagues, but also there are now fewer men who think that buying sexual services is a morally neutral action to take. This law has now been passed in Norway, Iceland, Canada, Northern Ireland, France, Ireland and Israel.

Contrast this with those States which have either legalized prostitution, for example, Germany, or fully decriminalized all aspects of it, as in New Zealand. In both cases the numbers of women involved in the sex trade has risen exponentially and this is due to the trafficking of women and girls both within and outwith the State.[[3]](#endnote-3) Furthermore, the attitude and language of the pro prostitution lobby within those countries has created an acceptability of prostitution as labour, not exploitation. In contrast to Sweden, countries with this approach consider the sex trade more in terms of a leisure pursuit and the number of buyers has risen.

We would like to see the inclusion of the Swedish approach that addresses demand to be specifically mentioned in this draft and for the committee to be unequivocal in recommending it.

We are deeply concerned that United Nation Agencies should rely on funding by exceedingly wealthy donors who have an agenda and insist on certain criteria being met if funding is to be given. [[4]](#endnote-4) We are also concerned this may have an undue influence on Human Rights Treaty Bodies who are supposed to be independent experts upholding the highest standards of international human rights law. This would be bad enough in any circumstances, but a committee that seeks to protect women’s human rights and address the trafficking of women and girls into the sex trade must be permitted to make judgements based on their welfare without having to fulfil the demands of the pro prostitution lobby.[[5]](#endnote-5) We commend this draft wholeheartedly for standing up to these pressures.

**Conclusion**

We are deeply appreciative of this document and the hard work that has gone into it to address the human rights disaster of the treatment of vulnerable and marginalized women and girls across the world. We would, however, like to see greater emphasis placed upon the States statutory and legal duties on addressing the demand for the sex trade.

1. https://www.mic.com/articles/112814/here-s-what-s-happened-in-sweden-16-years-since-decriminalizing-prostitution [↑](#endnote-ref-1)
2. https://vancouversun.com/opinion/columnists/outlawing-the-purchase-of-sex-has-been-key-to-swedens-success-in-reducing-prostitution/ [↑](#endnote-ref-2)
3. https://www.independent.co.uk/voices/prostitution-decriminalisation-new-zealand-holland-abuse-harm-commercialisation-a7878586.html [↑](#endnote-ref-3)
4. https://digitalcommons.uri.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1087&context=dignity [↑](#endnote-ref-4)
5. [https://www.passblue.com/2019/10/17/un-women-is-criticized-for-appearing-to-take-sides-on-decriminalizing-sex-work/](https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.passblue.com%2F2019%2F10%2F17%2Fun-women-is-criticized-for-appearing-to-take-sides-on-decriminalizing-sex-work%2F&data=02%7C01%7C%7C2ac9e481b9a847b492cd08d7f5c177c4%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637248083590351716&sdata=lGRK1epx9ZVCrlbjnVhiPjjbioDNUD8cq3Y39QcrbzU%3D&reserved=0) [↑](#endnote-ref-5)