

Special Rapporteur on violence against women and girls, Reem Alsalem*

Open letter to members of the Parliamentary Assembly of the Council of Europe regarding the draft resolution and report “*Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation*” prepared by the Parliamentary Committee on Equality and Non-Discrimination

I wish to express my serious concerns on the report and draft resolution entitled [Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation \(Doc. 16044 of 13 September 2024\)](#) to be voted by the Parliamentary Assembly of the Council of Europe on 3 October 2024. This resolution, if adopted, would constitute a dangerous regression for the rights of women and girls in the countries of the Council of Europe.

Harmful terminology marking an ideological approach to prostitution

The report uses the term “sex work” to define prostitution, a term that is neither recognized nor defined in international law. As I mention in my [report on prostitution \(A/HRC/56/48\)](#) to the Human Rights Council of 7 May 2024, the term fails to take into account the serious human rights violations that characterize the prostitution system and “gaslights” victims and their experiences, by normalizing the violence and exploitation that they experience. The term further seeks to present prostitution as work in which sexual acts are a service with a transactional value, and subject to a financial exchange. It places all human beings - especially women and girls - within the realm of the market, validating an ultraliberal vision of human relationships. Instead, I have strongly recommended using the terms “prostitution”, “victims” and “prostituted women and girls” rather than “sex work” or “sex worker”, in recognition of the scale of the harm experienced and the violation of fundamental rights as well as the rights of those prostituted to protection, assistance and compensation.

Biased methodology and partial understanding of International Human Rights law and standards

The methodology used in the making of the report appears to be particularly one-sided, excluding the perspectives of survivors of prostitution and major frontline organizations. Not a single survivor of prostitution, survivors’ organization or women’s rights’ organization has been included in the process, which seems to have been restricted almost exclusively to organizations promoting the full-decriminalization or legalization of prostitution.

I am concerned by incomplete engagement with the full body of International Human Rights law and standards that are relevant to prostitution as evidenced by the report. The Committee on the Convention on the Elimination of Discrimination against Women (CEDAW) explicitly recognizes¹ that international law on trafficking in women and exploitation of prostitution of women was codified and developed in the 1949 [UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), ratified by more than half of the Member States of the Council of Europe. This Convention states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human

¹ Committee on the Elimination of Discrimination against Women, general comment No. 38 (2020), para.8.

person and endanger the welfare of the individual, the family and the community”. It also prohibits the exploitation of prostitution in all forms, including procuring and exploiting the prostitution of another person, and knowingly managing or financing places for this purpose, to which no person may consent. Nevertheless, the report not only fails to mention the 1949 Convention but also directly contradicts its principles.

The report also omits to refer to Article 6 of the [Convention on the Elimination of All Forms of Discrimination against Women](#), creating an obligation for States to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

The report does not specifically refer either to Article 9.5 of the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children of 2000](#), and the obligation it imposes on Member States to discourage the demand that fosters all forms of exploitation of persons, as it states that: “States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”². Such an obligation is reiterated by the [Resolution 77/194](#) of the General Assembly of the United Nations and explicitly recognized by the Organization for Security and Cooperation in Europe (OSCE) as an obligation to discourage the demand that fosters trafficking for the purpose of sexual exploitation.³ These obligations set up by international law contradict the recommendations made in the report to legalize the demand.

The report also quotes very partially the recent [European Court of Human Rights’ decision on the case M.A. and Others v. France \(n° 63664/19\)](#), failing to mention that the Court rejected the claim that France had breached the Convention by banning the purchase of sexual acts. The Court also included positive observations on the approach, noting that there was no unanimity that the criminalization of the purchase of sexual acts was a direct cause of increased violence against persons in prostitution (para. 155) and that the combination of the decriminalization of the offence of selling combined with the criminalization of the purchase of sexual acts contributed to reversing the balance of power between the client and prostitutes, by positioning them as victims and enabling them to report the client in the event of violence, since it is now the client who is criminalized (para. 161).

The last Resolution adopted in September 2023 by the European Parliament on [the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights](#) recognized that prostitution “is not an individual act or a person renting his or her body for money, but rather it is a system organized 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 key role in boosting them”, and called for the adoption of the Nordic/Equality Model through the decriminalization and support for persons in prostitution via the provision of exit pathways, and the criminalization of the purchase of sexual acts and pimping. The European Parliament also noted the harmful impact of the regulatory model recommended by the present report: “decriminalization of pimping and of the purchase of sex increases demand, empowers the demand side and normalizes sex buying” and underlined that “the stigmatization of people in prostitution nevertheless persists in this system”. (...) The Parliament

² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000.

³ *Discouraging the demand that fosters trafficking for the purpose of sexual exploitation*, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2021 https://www.osce.org/files/f/documents/7/f/489388_2.pdf.

stressed that human trafficking for the purpose of sexual exploitation, including child sexual abuse, is increasing due to high demand, pointing 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 purpose”.

Disconnection from the realities of the prostitution system and the impact of its legalization

The data collected in my [report](#), built on the analysis of 300 submissions from civil society and consultations with 86 experts from all sides, evidence that prostitution results in egregious violations of Human Rights and multiple forms of violence against women and girls. Prostitution violates the right of women and girls to dignity and often constitutes torture, inhuman and degrading treatment.

The extreme levels of violence inflicted on women in prostitution – which would never be accepted in other contexts – are blanketed by a financial transaction, designed to materialize a so-called “consent” that cannot be expressed freely in the prostitution system. In this context, the very concept of “consent” is weaponized against women in prostitution, as it is extorted through physical or economic coercion, manipulation and violence.

Prostitution thrives on sexualizing and racializing poverty, targeting women, particularly those from minority and marginalized backgrounds. The normalization of the purchase of sexual acts, as recommended in the present report, increases a sexist social pressure on the most precarious women and girls to accept the provision of a sexual act as a livelihood alternative, regardless of the inherent violence of it. In the Kingdom of the Netherlands, for example, it is now legal for a driving instructor to demand a sexual act from students as a means of payment, a practice known as “a ride for a ride”.⁴

As mentioned in my report (A/HRC/56/48), in countries where it has been applied such as Germany or the Netherlands, this approach has increased the demand. Combined with the full decriminalization or legalization of third-party exploiters, the approach promoted in the report has aided traffickers and pimps and increased the number of prostituted foreign women who are mainly from “economically challenged Eastern European countries and from the Global South”.⁵ It has also weakened the tools required for law enforcement to monitor, target and prosecute perpetrators, including traffickers.

This approach has resulted in a significant increase in foreign women in prostitution, mostly from economically challenged Eastern European countries and from the Global South. The purported intentions to destigmatize prostituted women, “create jobs” with social security, better health-care conditions, reduce violence and curb criminal networks have not been achieved under this approach. For example, in Germany, of the 250,000 estimated prostituted women, only 28,280 had registered with the authorities by end of 2022, and only 50 among them had an official employment contract.⁶

In comparison, the Nordic/Equality Model has demonstrated concrete positive results by improving the situation of persons in or at risk of exploitation; deterring buyers and third parties; and reducing harmful gender stereotypes.

For example, in Sweden, no murders of prostituted women by buyers or pimps have been reported.⁷ France has an estimated 40,000 prostituted persons in the country⁸, a much lower figure than equivalent-sized countries which take different approaches. Since 2016, France has fined nearly 9,000

⁴ See A/HRC/56/48, para. 17.⁵ See A/HRC/56/48, para. 29.

⁵ See A/HRC/56/48, para. 29.

⁶ Ibid.

⁷ See A/HRC/56/48, para. 32.

⁸ Observatoire national des violences faites aux femmes, 2024 https://www.egalite-femmes-hommes.gouv.fr/sites/efh/files/2024-05/Miprof-Observatoire-national-des-violences-faites-aux-femmes-Lettre-prostitution-2024_2.pdf

buyers, increased victims' compensation by 7 times as a result of a 54 per cent increase in proceedings against pimps within the three first years of the law.⁹ By April 2023, 1,247 prostituted persons have had access to a State-sponsored exit program.¹⁰ Moreover, Ireland has implemented national campaigns to educate young people about the risks of recruitment into the sex trade.¹¹

The adoption of the present resolution would represent an archaic and dangerous position for women's rights taken by the Parliamentary Assembly of the Council of Europe. For this reason, I call on the Assembly to reject the resolution as it stands and take a position based on the Nordic/Equality Model through the decriminalization of women in prostitution; the provision of comprehensive support and exit pathways; the criminalization the purchase of sexual acts and of all forms of pimping; the implementation of sensitization campaigns for buyers of sexual acts and for society at large about the negative consequences of participating in the prostitution system.

*** The Special Rapporteur on violence against women and girls, as a Special Procedures mandate of the United Nations Human Rights Council, serves in her individual capacity independent from any government or organization.**

⁹ Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées, IGAS, 2021. https://www.justice.gouv.fr/sites/default/files/migrations/portail/art_pix/rapport_renfort_lutte_systeme_prostitutionnel.pdf (Included in the submission of the mouvement du Nid, quoted in A/HRC/56/48, para. 32.

¹⁰ Statement by the Special Rapporteur on violence against women and girls on French Law 2016-444 - Strengthening the Fight Against the Prostitution System and Providing Support for Prostituted Persons in France, 27 October 2023, <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/2023-10-27-sr-vawg-commentary-france-law-prostitution.pdf>.

¹¹ Irish Human Rights and Equality Commission, 2024 quoted in A/HRC/56/48, para. 32.