**Date : 29th January 2024**

**Congregation of Our Lady of Charity of The Good Shepherd ( Malta)**

**Good Shepherd Sisters-Dar Merhba Bik Foundation**

**Prostitution in Malta**

**What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?**

**Describe the linkages if any , between prostitution and the violation of the human rights of women and girls.**

**How is the issue of consent dealt with? It is possible to speak about meaningful consent for prostituted women and girls?**

**Introduction**

 As s Good Shepherd sister working together with our lay partners in our Foundation “Good Shepherd sisters-Dar Merhba Bik Foundation” I have met women and girls who have been survivors of domestic violence, having undergone violence by who is supposed to respect and to love. This violence included the partner/ husband perpetrator prostituting his wife/partner and threatening violence, in case of refusal, towards the children The shelter has been giving its service since 1980 and has seen forms of violence , physical, sexual , verbal and emotional. Prostitution is violence, it is violating a person`s human rights.

**The current legal situation in Malta**

Prostitution, as it currently stands today, is not particularly defined in The Criminal Code of Malta. This in itself raises a problem, as it opens up the parameters for interpretation.

The only articles in the Criminal Code which refer to prostitution are those prohibiting person A from forcing, deceiving or Article 623 holds that one can disinherit a descendant if he/she is a prostitute. Two other aspects which arise from prostitution, is Loitering and conniving to prostitute minors. Presently, loitering for prostitution purposes in Malta, is illegal. Maltese Law holds that those who are caught loitering, can be charged with disturbing public peace. In addition, Article 251AA of The Criminal Code holds that loitering in a private or a public place can be taken to be as a form of stalking. This act is punishable by law with 6-12 months imprisonment, or a fine not exceeding 10,000 Euros, or in some cases both. Article 204B of The Criminal Code of Malta, holds that living off the profits of the prostitution of an underage person, is illegal. This crime is punishable by 2-9 years (in certain cases 3-12 years) of imprisonment with or without solitary confinement. Therefore, one cannot but ask whether living off the profits of prostitution of a person of age is allowed by law. Or whether this was simply a mistake made while drafting the law, in which case such mistake should not be left unamended. One can conclude that the current legal situation in Malta is that voluntary prostitution is not considered to be illegal. The manipulating, compelling, and deceiving nature of people who subject, or induce others, whether they are minors or of age, to prostitution is considered to be illegal. In addition, both loitering and the prostitution of minors are considered to be illegal.

**The current reality**

Today less woman are seen loitering, however this does not mean that prostitution is over. There are specific streets in Malta known as red areas. But prostitution has taken a different trend Today here are different ways to advertise or advertise one’s self and there is no need to loiter.

However the violence has not stopped and in fact has become more dangerous, as for example, being ready to undergo torture. With more online prostitution, it is difficult to identify the men and women in prostitution

**Current debates in Malta**

There has been talk in political and public spheres on whether to decriminalize prostitution. As our Good Shepherd Congregation upholds in our position papers and also as a member of RENATE (Religious in Europe networking against Trafficking and Exploitation) prostitution is violence. Having gone to meetings in various countries such as Germany, the Netherlands, with SOLWODI , where prostitution has been decriminalized to get prostitution on the same level as any other job, the experience of these countries has been a very negative one for the women victims of prostitution. The brothels mushroomed everywhere and less money was being asked for very dangerous activities

An argument that might seem reasonable but is not, is that **since sex work is not recognised as work in Malta, there is no mandatory HIV or STI testing** However, an adult living off the earnings of prostitution is completely legal. Confusing laws make for a messy industry. Escorting is common in Malta, and increasingly so now that sex workers and clients can easily find each other online.

In Malta we, Good shepherd sisters, liaise with when needed, and support “ Dar Hosea” a Non-Governmental organization, that works specifically with the victims of prostitution. Dar Hosea offers care and support to women who are in prostitution by offering a safe environment where these women may benefit from a sense of self-worth, dignity, and fulfilment, which is acquired through respect, compassion, and acceptance.

The ethos of Dar Hosea is to restore a sense of humanity and dignity to women in prostitution, as well as to provide empowerment and resilience through unconditional positive regard, support, and a sense of family belonging.

Last 20th September 2023, an international conference was held by Dar Hosea titled “#Neither Sex Nor Work”: International Conference on the prostitution system-listening to survivors and understanding the legislative approaches.

Various distinguished guests were present including the Minister for Social Justice

 And solidarity, the Family and Children`s rights. Speakers, who included two survivors, at the conference, spoke about the adverse effects on the women victims if the Law decriminalized prostitution, and brought it on the same level as another job, and advocated in favour of criminalizing the sex buyer.

The chairperson of Dar Hosea, a medical doctor, Dr Anna Maria Vella, advocated for the Equity Model of the Law. Dr Vella is of the opinion that in Malta, like in France, Sweden and Israel, there should be a law which is called the Equality Model. She explained that this means that all those who work in prostitution will not be criminalised but are helped to get out of it. On the other hand, she said that those who exploit the women and think that because they have money they can use violence against them, should be criminally charged. Dr Vella said that with this model, children will learn from a young age that no one has the right to use violence.

**Statistics**

A scientific survey carried out by The Malta Women`s Lobby among 404 persons in 2021 showed that the absolute majority of Maltese are of the understanding that prostitution is not a normal form of employment. The Malta Women’s Lobby said that if prostitution is decriminalised there will be an increase in sex-based sector and appealed to the Government to protect the vulnerable persons entrapped in this sector, insisting that prostitution pimps should receive no support from the authorities.

According to the Malta Women`s Lobby, If prostitution is decriminalised this will create greater perils for victims. Of those surveyed, 99% think that prostitution increases sexual health problems while 98% said this will lead to greater sexual abuse and violence. Also 97% said this will increase the risk of mental traumas and 96% said prostitution increases the risk of physical injuries. Almost 75% of those surveyed were of the opinion that with further prostitution in Malta organised criminality will increase because of greater money-laundering, the trafficking of drugs and the trafficking of persons. Decriminalization will lead to more open soliciting because this will now become legal. The ease of this will lead to more persons deciding to establish a prostitution business. The survey also showed that 89% want the Government to provide greater support for victims while 93% said support should be provided for those victims to quit the prostitution cycle.

The Malta Women’s Lobby called on the Government to protect women, girls, boys and vulnerable LGBTIQ persons and to offer services from victims to emerge from this circle and not to protect pimps, sex traffickers and those who are prepared to pay for sex.

The Malta Women’s Lobby incorporates 40 groups and five international groups to work in favour of the protection of women and girls.

 **Why criminalize the sex buyer?**

Prostitution is never freely consented to. A person` s consent to prostitute herself is never a free choice. The person is a victim of circumstances, many a time having been groomed since a young age into prostitution. As such it is a violation of human rights because the consent is never a free choice. Persons in prostitution are crime victims who need support. Prostitution is violence, violence against women at every level – emotional, psychological, physical, sexual.

“You cannot buy consent” was the appeal made by a woman speaker, Marie, at the Dar Hosea conference last September 2023.

She said that she could no longer appreciate the beautiful things in life, and appealed to women who would like to leave prostitution to believe in themselves and ask for help. Being a survivor in prostitution in Germany, in a legal system, is hard, cause everyone tells you it’s a job like any other, and with every bad experience, which is in fact every man you give access to your body for money, cause that’s bought consent, and you cannot buy consent. It’s getting harder and harder to keep your self esteem up and to cope with it and get back into prostitution every day, cause you get back every day, and you have to accept men.She said that prostitution gave rise to personal emotional issues that were hard to deal with.

One of the things that I felt that happened to me, beyond my will and beyond my brain and mind was that I couldn’t stand the smell of men anymore. No matter if they’ve been washed freshly or not, I couldn’t stand it anymore and after a while I lost my smell for nice things. I couldn’t smell the spring, I couldn’t smell snow, I couldn’t smell rain, things I usually love a lot and it took years and years until I got that back. So you can see how deeply damaging it is beyond my free will.

Marie said that when she realised that she could no longer work in prostitution, she started searching for other jobs. After some time, she found work, but on a one year contract. When she ended up unemployed once again, it was very tough, and it was a struggle not to fall back into prostitution. While her brain told her she could go back to it, her physical reaction kept her back.

**Conclusion**

I will conclude by Marie `s appeal to women who would like to get out of prostitution.

“Believe in yourself and the amazing skills you have. Try to gain back your dreams. Find help. Reach out for help. Trust the people who want to help you and help you out of love and get back your dreams. Get back the belief in your skills. You have the skills.”

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