



## **Submission by People Serving Girls at Risks to the UN Special Rapporteur on Violence against Women - 29.01.2024**

The following submissions in provided by People Serving Girls at Risks, a frontline NGO based in Malawi providing support to women and girls victims of violence including prostitution and trafficking for sexual exploitation.

### **1. Profile of women and girls impacted by prostitution**

PSGR witness that women in prostitution in Malawi are usually those from very poor backgrounds. Most of them come from rural areas and townships and are in prostitution to feed themselves and their families. In the rural district of Neno, poor, uneducated women are the prime targets of traffickers luring them with false ads of employment and sometimes kidnapping them directly to exploit them in prostitution in cities. In Malawi, the economic distress is such that the phenomenon of “fish for sex” -the prostitution of women in exchange for fish- has become common, especially along the lakeshore districts.

*“I really wanted to get out of prostitution but I didn't have any support. I was in prostitution for 10 years. I started because I was hungry. There are three of us in the family, including my sister who has a mental health problem, and who has two children and no money, plus my two children, and my mother who is elderly. That's 7 people to feed. I never wanted to start but I had no choice.”*

Marta L., 29, Malawi, supported by PSGR

### **2. Forms of violence prostituted women are subjected to**

PSGR notes that prostitution is *per se* a form of violence. The experience of the repetition of sexual acts without desire but that are the result of a socioeconomic, physical or psychological constraint is a violence in and of itself. Survivors that PSGR supports further describe degrading treatments and humiliations at the hands of pimps and sex buyers in prostitution: some have been forced to endure sexual acts with animals, to lick the wounds of sex buyers, some have been severely beaten, insulted...

Regarding economical violence, PSGR observes in its frequent and regular outreach in brothels that women in prostitution live and are often exploited in the same place, in dire conditions, with limited access to food, electricity, hygiene and other basic needs<sup>1</sup>. Babies and the very young children of the mothers in prostitution also live in the brothels in this extremely unhealthy environment with men coming and going.

---

<sup>1</sup> See appendix 1

*“I didn’t have any other survival option. My stomach is empty. I have an elderly mother to take care of and two children. I take 200 Kwachas per transaction (20 cents). I don’t sleep well. Sex buyers are violent. Some of them don’t pay... I really want to leave. What I’d need? A sewing machine”*. Hannah M., met during outreach by PSGR team in the brothel of Chirimba.

PSGR witnesses that the use of drugs is common among women coming to our services to cope with the violence prostitution. In addition, women may also deliberately be infected with sexually transmitted diseases by sex buyers pressuring them to perform sexual acts with protection. This in turn can also lead to unwanted pregnancies and in the worst cases forced marriages: once pregnant the woman in prostitution can then be forced to marry the sex buyer.

PSGR note that women in prostitution suffer from various physical and mental health consequences from prostitution: body pain, vaginal tears, anxiety, depression etc. Regarding their psychological health, it can be observed that prostitution causes trauma at various levels usually escalating up to post-traumatic stress disorder.

### **3. Perpetrators of violence against women and girls in prostitution**

**The sex buyers**, who are in a striking majority men, are the perpetrators of violence against women and girls in prostitution. They are the ones profiting from the economic distress of victims for their own sexual gratifications and perpetrating physical and sexual violence sometimes going as far as femicide.

*“I endured much violence whether physical, sexual or psychological. Men should not do this. They should not buy sex. It hurts women. Prostitution, it is not work. I slept badly for many years. I met PSGR, when they came in the township of Chilomoni. I have stopped since last March, I feel better. I started a paid training course since the 5th of July. I am now able to bring food to the table at home. If the organisation creates a cooperative, I want to be part of it. I also want to raise my voice, to talk and raise awareness among people. I do not want any other girl to be in the situation I was in. They should know the consequences. Talk to men as well: they should not buy sex. Women are not for sell. And talk to the government. It has to support women and girls in this country.”* Marta L. , 29 years old, Malawi, supported by PSGR.

**The pimps and exploiters** preying on the vulnerability of women and girls, manipulating them, breaking their will and selling them as commodities to satisfy the male-driven demand for the purchase of sexual acts are also the main perpetrators. They profit from the sexual and economic exploitation of the most marginalised in society.

### **4. Prostitution and the violation of human rights**

Prostitution is a violation several fundamental rights enshrined in different conventions.

The UN 1949 Convention<sup>2</sup> expressly states in its preamble that “*prostitution (...) is incompatible with human dignity and worth of the human person*”. Human dignity is the cornerstone of the international human rights corpus. CEDAW<sup>3</sup> Article 6 calls on Member States to “*eliminate the exploitation of prostitution of women*”. These two instruments thus highlight that prostitution is a breach of human dignity and a violence against women.

The UN Palermo Protocol<sup>4</sup> (2000) calls on Member States to discourage the demand that fosters trafficking in its Article 6.

Recently, the European Parliament adopted a soft-law resolution, the Noichl Resolution<sup>5</sup> highlighting that prostitution is a system inherently violent and exploitative. It further calls on Member States to legislate on three key components of the prostitution system and to criminalise the purchase of sexual acts (§23), to criminalise pimping (§22) so as to develop and enhance exit pathways for victims of prostitution. In 2014, the European Parliament Honeyball Resolution<sup>6</sup> already declared prostitution as contrary to the EU Charter of Fundamental Rights.

## **5. Effectiveness of legislative frameworks and policies been in preventing and responding to VAW in prostitution**

In Malawi, prostitution is fully decriminalised or unregulated which led to disastrous consequences for the lives of persons in prostitution, to the development of brothels and of trafficking rings targeting poor, marginalised women and girls.

From our grassroots experience, PSGR firmly believe that the most efficient model to prevent violence against women and girls is the Nordic Model or the Abolitionist Model that recognises prostitution as a violence against women and girls, an exploitation of every inequality, a fundamental obstacle to equality between women and men and a violation of human rights.

We believe the four pillars of the Abolitionist Model are effective tools to prevent violence against women and girls:

### **1) The decriminalisation of prostituted persons.**

---

<sup>2</sup> United Nations Convention of December 2<sup>nd</sup> 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>

<sup>3</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>4</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

<https://www.ohchr.org/sites/default/files/ProtocolonTrafficking.pdf>

<sup>5</sup> [Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights: Texts adopted - Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights - Thursday, 14 September 2023 \(europa.eu\)](https://www.europa.eu/press-communication/infobox/14-09-2023)

<sup>6</sup> Sexual Exploitation and Prostitution and its Impact on Gender Equality, European Parliament Study 2014, p. 37: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM\\_ET\(2014\)493040\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf)

- 2) The **guarantee of exit pathways** to victims
- 3) The **penalisation of sex-buyers**: this in order to challenge the attitudes of men who buy sex and deter them to take the plunge. It is an efficient way to tackle the demand and to switch the criminal burden from the victims to the authors.
- 4) The **criminalisation of pimps and traffickers** and any third-party recruiting, facilitating (brothel-keepers, online hosts of prostitution advertisement etc.) profiting and benefiting from the prostitution of others.
- 5) The **establishment of a national prevention strategy on the non-commodification of the human body and on equality**

This model has first been implemented in 1999 in Sweden, among the first States in the world with the highest standards in equality between women and men. The policy approach outlined above has since been adopted by France, Sweden, Iceland, Norway, Ireland, Israel, and Northern Ireland and has shown positive results in terms of increased protection for prostituted persons. In addition, the law has also proven to have normative effects through the reversal of mentalities in 10 years: when the majority of the Swedish population was opposed to the law before its adoption, 10 years later more than 70% of the public were in support to the law.<sup>7</sup>

## 6. Measures in place to help women and girls leave prostitution

In France which has adopted the Abolitionist Model, the provision of exit programmes is a State-sponsored measure to support women and girls wishing to leave prostitution. These programmes provide rights to prostituted persons in order to meet their primary needs and for them to exit prostitution without being in a situation of mere survival. The rights include a residence permit for foreigners, psychosocial support, a financial allowance, vocational training. In countries failing to adopt these policies, some NGOs may provide local exit pathways to women coming to their services. This is the case of PSGR which provides psychosocial support, legal support and vocational support to women in prostitution coming to the services. The aim with the later is to empower survivors, provide them with skills and build their self-confidence for them to join the job market, or to create their own businesses. This allows them to gain financial independence and to have access to decent work.

*“I was married when I was 17, abused, beaten, raped and then prostituted by my husband. Later, I was rescued by an organisation. I followed a therapy, today « I am fine ». I am working at a hairdressing salon, and I am now training other women. I am happy to do this job, to give them something to do, and to support and empower them. At the moment, I am training 8 women, three times a week, on Tuesday, Thursday and Friday. Although, it is difficult because some of them are still in prostitution. The atmosphere of training courses often depends on what happened the night before. (...) But we are making progress.” Helene S\*<sup>8</sup>, 24 years old, hairdresser-trainer, hired by PSGR, Blantyre, Malawi.*

## 7. Obstacles faced by organizations and frontline service providers

<sup>7</sup> Sweden ban on the purchase of sexual acts, an assessment 2008

<sup>8</sup> Names have been changed to preserve the anonymity of survivors.

Firstly, it is important to acknowledge that in the absence of efficient legislative framework to protect women from sexual violence and exploitation, the work of NGO is made much more difficult. Secondly, resources to implement meaning programmes to provide exit pathways to women wishing to exit prostitution are very limited. The holistic approach of exit pathways are long-term efforts, sometimes lifelong efforts and they benefit from an important lack of funding compared to the approach focusing on “risk-reduction” prioritised by different big donors.

#### **8. Recommendations to prevent VAW in prostitution**

To prevent violence against women and girls in prostitution, there is a need for a legislative harmonisation between States towards the Abolitionist Model. Malawi should adopt this framework and penalise perpetrators: sex buyers and pimps while decriminalising the victims and providing them with support services.

PSGR also regrets that the narrative equating prostitution with a form of “sex work” is harmful as it trivialises this form of violence against women and fosters a culture of inequality where the most marginalised women can be bought and sold in order to survive and where men are allowed to purchase poor women for their own sexual gratification.

**APPENDIX 1** : photos taken by the PSGR outreach team in the Chirimba brothel, Blantyre

