

PROSTITUTION RESEARCH & EDUCATION

To: Reem Alsalem United Nations Special Rapporteur on Violence Against Women and Girls

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WHAT IS PROSTITUTION?

For most of the world's prostituted women, prostitution is the experience of being hunted, dominated, harassed, assaulted, and battered. Despite the fact that money is paid, sexual assault remains most women's experience of prostitution. Prostitution is a survival strategy that requires women to assume unreasonable risks. [These well-documented risks of harm include sexual harassment, rape, and rape without a condom.](#) As a prostituting woman explained, what rape is to others, is normal to us." (Farley, 2017; Farley, Franzblau & Kennedy, 2014). Harms of prostitution include domestic violence and physical assault, and the psychological sequelae of these traumatic events: posttraumatic stress disorder, dissociative disorders, depression, eating disorders, suicide attempts and successful suicides, and substance abuse. Women are prostituted because they are vulnerable as a result of their poverty, their ethnicity, a lack of educational options, lack of employment opportunities, and as a result of previous physical, sexual, and emotional harms. They are bought and sold on the basis of [race as well as sex stereotypes](#) (Lee, Jay & Farley, 2021). Prostitution formalizes women's subordination via sex, race/ethnicity, and class inequality (Dworkin, 1997; Senent, 2019).

In 2003, Prostitution Research & Education (PRE) and partners documented [violence against women in prostitution in 9 countries and resulting symptoms of posttraumatic stress disorder](#) (Farley, Cotton, Lynne et al., 2003). We interviewed 854 prostituted people in Canada, Colombia, Germany, Mexico, South Africa, Thailand, Turkey, the United States, and Zambia. Of these people, mostly women, 71% were physically assaulted in prostitution; 63% were raped; 89% wanted to escape prostitution but did not have other options for survival; 75% had been homeless at some point in their lives; 68% met criteria for a diagnosis of PTSD. We concluded: "Our findings contradict the common myths about prostitution: the assumption that street prostitution is the worst type of prostitution, that most of those in prostitution freely consent to it, that most people are in prostitution because of drug addiction, that prostitution is qualitatively different from trafficking, and that legalizing or decriminalizing prostitution decreases its harm."

In 2023, we completed research that focused on harms of pornography and learned that [pornography cannot be logically separated from prostitution or trafficking](#) (Farley, Bergkvist, Asbogard et al., 2023). "The same person who sold me - he was also there to film me. So he was both a pimp and a porn producer, he was a sort of jack-of-all-trades." Pornography is filmed prostitution, which multiplies the harm of prostitution. An interviewee explained "Pornography can haunt you for years. Films can be made public and destroy everything - relationships and jobs." 84% of 105 interviewees had been raped; 77% suffered head injuries ([Farley, Ackerman, et al., 2018](#)), 64% were photographed by sex buyers or pimps without their consent. 71% were

coerced into performing sex acts against their will. An interviewee explained, *“When it comes to porn, a lot of people think that there will be a studio. It could just as well be a filmed abuse. The viewer will never know. The viewer could never know if there is a consent. And, even if there was a consent, the consequences are still there.”*

When their prostitution was filmed, women reported high rates of posttraumatic stress disorder, dissociation, suicidality and self-harm - psychological symptoms resulting from unbearable stress and human cruelty.

SEX BUYERS

There is general agreement that no prostituting person should ever be arrested, and there is some agreement that pimps should be criminalized. But there is disagreement regarding sex buyers. Those who [deny the overwhelming evidence of prostitution’s harm](#) tend to resist criminalization of sex buyers because these men are essential to sex trade profit (Farley, 2016). Abolitionists on the other hand, advocate arresting sex buyers who are at the root of the business of sexual exploitation, and they advocate Nordic model approaches that simultaneously 1) provide exit services to survivors who want them, 2) decriminalize the prostituted, and 3) criminalize paying for sex.

In the last decade, research has shed light on the motivations and behavior of men who choose to pay for sex acts. In samples of more than 1,000 men each in Chile, Croatia, India, Mexico, and Rwanda - [men who had paid for sex even once, were more likely to rape women](#)- (Heilman, Hebert & Paul-Gera, 2016)

We studied [763 sex buyers in 6 countries](#), Cambodia, United Kingdom, Germany, India, Scotland, and United States (Farley, Kleine, Neuhaus et al., 2022). The men had a profound awareness of prostitution’s harms. A sex buyer explained, *“Prostitution is such a drastic experience for them, and that changes them a lot. I believe their experience with the nastier bad side of men will be ingrained in their psyche. It will change them forever, change their ability to have a normal sexual relationship with anybody. They are damaged from being in prostitution.”* And also *“Prostitution is like renting an organ for 10 minutes.”* The research evidence led to these conclusions about sex buyers:

- *The more often men paid for sex, the more likely they were to rape.
- *Sex buyers tended to have a hostile masculine self-identity.
- * Sex buyers reported that they observed legal pimps in Germany committing violent acts that met international definitions of torture (Farley & Kennedy, submitted for publication). *“There was one who really beat up one of his women. Really hard. With the fist two or three times in the face and threw her against the wall.”* And also, *“When the women didn’t pay the pimp enough, they had their fingernails pulled off, or the pimps took their drugs, or they beat the women to a pulp.”*
- *There is no evidence for the myth that legal prostitution enables sex buyers to safely report trafficking to the police. While 55% of sex buyers saw and paid traffickers for women, only 1% of German sex buyers had ever reported traffickers to the police.
- *Sex buyers in 6 countries told researchers that any amount of jail time, even one hour, would be a more powerful deterrent to prostitution than an educational program.

CONSENT

There is evidence regarding widespread trafficking, pimping, and third-party control of women in prostitution. According to a survey of 18 sources, including research studies, governmental and NGO reports, on average [84% of adult women in prostitution are pimped, trafficked or controlled by third parties.](#) (Farley, Franzblau, & Kennedy, 2014).

The issue of consent to prostitution is often framed as “making the choice to prostitute.” But consent can only be given when real alternatives are provided under conditions of safety and equality. The crucial question about consent which should be asked is, “has she been offered the choice NOT to prostitute?” This question clarifies the lack of ethical consent to prostitution. Two research studies found that while 89-90% of women wanted to exit prostitution, they were not able to escape because of a lack of alternatives for survival. (Elizabeth Fry Society of Toronto, 1987; Farley, Cotton, et al., 2003). A man explained, “*On the face of it, the prostitute is agreeing to it. But deeper down, you can see that life circumstances have kind of forced her into that...It's like someone jumping from a burning building--you could say they made their choice to jump, but you could also say they had no choice.*” (Farley, Schuckman, Golding et al., 2011; Farley, 2009)

Prostitution has been described as “the choice made by those who have no choice” (Wichterich, 2000). A woman in a Nevada legal brothel said, “No one really enjoys being sold. It's like you sign a contract to be raped”(Farley, 2007). A prostituted woman characterized Dutch legal prostitution as “volunteer slavery” (Vanwesenbeeck 1994). A historian noted that “the distinction between voluntary (and likely desperate) refugee and violently acquired captive is difficult to discern...” (Cameron, 2011).

Prostitution occurs because the person being sold for sex would not agree to enact sex with the sex buyer unless he paid for it. Understanding that desperate people consent to grievous harms, the Palermo Protocol specifically notes that money is a means of coercion in prostitution. A 2006 report by the United Nations Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, observed that prostitution as it is practiced in the world “usually satisfies the legal elements for the definition of trafficking” and therefore, legalization of prostitution is “to be discouraged.” (United Nations Commission on Human Rights, 2006). Supporting this observation, researchers discovered that in 150 countries, [trafficking increased when prostitution was legal](#) (Cho, Dreher, & Neumayer, 2013).

A state that accepts and taxes prostitution as a business model has difficulty in the legal rejection of rape. Since the legalization of prostitution in Germany in 2002, there has been a decrease in rape convictions, which reached a historic low of 7.5% in 2016, with 85% of all rapes unreported (Pfeiffer, 2019). A reluctance to define coercion has hindered German rape and trafficking prosecutions. This misogynist thinking was evident during Germany’s ratification of the Istanbul Convention. German rape laws did not meet the minimum requirements of the Istanbul Convention which states that “Consent must be given voluntarily as the result of the person’s free will *assessed in the context of the surrounding circumstances*” (Council of Europe, 2011). Consent is an oxymoron when the context is the pimping of a woman in legal brothel.

When there is a failure to understand peoples’ lack of choice, slaves have been blamed for their own enslavement, children have been blamed for being sexually abused, Jews have been blamed for not escaping the death camps, and women in prostitution have been blamed for having made the choice to tolerate prostitution.

THERE IS AN URGENT NEED FOR POLICY THAT ADDRESSES THE IMPACT OF POVERTY ON WOMEN'S HUMAN RIGHTS AND THEIR CHOICELESSNESS WITH RESPECT TO PROSTITUTION

The European Court of Human Rights acknowledged that extreme poverty and corresponding lack of dignity are human rights violations, citing the case of a male migrant who had been homeless for several months, "with no resources or access to sanitary facilities, and without any means of providing for his essential needs," also noting that he had been a "victim of humiliating treatment showing a lack of respect for his dignity," and observing that he was undoubtedly subject to "fear, anguish or inferiority capable of inducing desperation." (Kitsakis, 2013). The European Social Charter ESC(r) noted that states are required to take measures to protect vulnerable persons from homelessness: the Social Charter ruled that the right to shelter is to be granted to all migrants, regardless of their legal status (Kitsakis, 2013). *These minimum standards have not been applied to prostituted women, most of whom are poor, often homeless, often migrants* (Jha & Madison, 2011; Poudel, 1994).

The Universal Declaration of Human Rights describes the right to a standard of living that includes food, clothing, housing, medical care, and necessary social services (Levy & Patz, 2015). Both the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirm the human right to food (Eide, 1998). The ICESCR asserts "the right of everyone to an adequate standard of living for himself [sic] and his family " and "the fundamental right of everyone to be free from hunger" (Ssenyonjo, 2011).

By 2050, experts predict that there will be one billion environmental migrants who seek to escape droughts, fires, desertification/dust storms, crop failure, sea-level rise, hurricanes, and floods (Bassetti, 2019). These climate crises affect peoples' ability to survive, increasing women's [vulnerability to sexual assault and sexual coercion including prostitution](#). (Al-Hashimi, Fukurai, Marchand et al, 2022; Farley, 2021).

[Climate change exacerbates existing social vulnerabilities, thus the rights of certain groups are disproportionately threatened](#), for example the poor, the unhoused, people with race/ethnic or religious minority status, female, young age or old age, and those with various diseases and disabilities (Office of the High Commissioner on Human Rights, 2008). These are the same people who are also disproportionately at risk for prostitution. Prostitution, trafficking, and other human rights violations increase as climate refugees are impoverished, displaced, and as they migrate (Hall & Weiss, 2012).

Poverty is a universal consequence of climate change and a universal antecedent of prostitution. Understanding what it's like to be anxious about access to food and shelter is key to understanding the extreme risks taken by women who have been overtaken by climate crises and also women in prostitution (often the same people). Noting that the poor and disempowered are likely to engage in *desperation exchanges*, Radin and Sunder (2005) state that "... it is unacceptable for society to embrace commodification of aspects of the self when it is in practice the only avenue of survival for the powerless." Because of extreme poverty, desperation exchanges occur in which prostitution is tolerated in exchange for food and shelter.

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