

Amsterdam, 30th of January 2024

Input for Special UN Rapporteur on Violence Against Women and Girls' report on violence against women and 'prostitution'

Dear Ms. Reem Alsalem,

We are grateful for the chance to share our insights and contribute to your report on prostitution (sex work) and violence against women and girls, which you plan to present to the Human Rights Council later this year. La Strada International, is a European NGO Platform against human trafficking, based in Amsterdam The Netherlands. The Platform comprises 33 member organisations in 24 European countries.

La Strada International works from a human rights perspective in support of trafficked persons. The platform aims to prevent human trafficking and to protect and realise trafficked persons' rights. This is done by providing access to adequate assistance and support to victims, and via information and knowledge exchange, capacity building of NGOs and other stakeholders, and cross-sectoral cooperation. The focus is on monitoring and advocacy for change to ensure accountability for the effective implementation of European Anti-Trafficking policies and regulations.

Our input shared below, is based on nearly 30 years of experience and practical knowledge on the prevention of human trafficking and the assistance to trafficked persons, including persons at risks. Sexual exploitation is one of the forms of human trafficking that we focus on.

Terminology

As an European NGO platform connecting different NGOs advocating in the field of human trafficking, La Strada International is highly concerned by the terminology used in the call for input. The terms prostitution and human trafficking are often used interchangeably, undermining their difference. Human trafficking for the purpose of sexual exploitation is a criminal offense in all European countries and a severe violation of human rights. By using

these terms interchangeably all sex workers are portrayed as victims of human trafficking, while this is not the case. Portraying all sex workers as victims suggests that they are incapable of rational decision-making. The interchangeable use of these terms trivializes human trafficking and condemns self-determined sex work. Self-determined sex workers decide for themselves which services they offer and to whom. At the same time, the lack of distinction between human trafficking and sex work might lead to the issue that victims of human trafficking cannot be adequately protected, and perpetrators cannot be prosecuted. They control their own earnings and decide when and how long they work. We believe that violence against sex workers needs to be addressed by protecting their rights and investigating and prosecuting all violent offences against anyone working in the sex sector. However, this approach to end violence against sex workers is hard to put into practice if sex work itself is considered as violence against women.

Data & Profiles - Trafficked for Sexual Exploitation in Europe

As a European Platform we follow the situation in Europe and our members contribute to the monitoring reports by the European Commission, Council of Europe, TIP report and the Global UN Report on Trafficking in Persons published by the UNODC. This [global UN report](#) reveals that statistics for Europe differ significantly from other parts of the world. In Europe, there were increases in the detection of victims – globally there was a decrease - relating in particular to detection of labour exploitation of men. In some parts of Europe, sexual exploitation is no longer the highest identified form of human trafficking. In Western and Southern Europe, there was a 40% decrease in cases of trafficking for sexual exploitation. There were increases in reported cases of labour exploitation, forced criminality and mixed forms of exploitation. For the first time, male victims (men and boys) outnumbered female victims, and a larger proportion of identified victims were children. If we look at the reports published by the European Commission, the latest data available are from 2021. In 2021, in the EU, the number of registered victims of human trafficking was 7 155, here a 10% increase is noted compared with 2020 (6 534), however figures for 2022 and 2023 might show another picture. More

than two-thirds of registered victims of human trafficking in 2021 were women or girls (68%) and sexual exploitation was still the predominant form of exploitation, at 56%.¹

Our member data indicates that women and girls are still at high risk of exploitation, including sexual exploitation. In many countries where we operate, other forms of human trafficking are being increasingly detected and recorded. Trafficking for sexual exploitation occurs in countries with both legal and criminalized sex work. La Strada International believes that debates focusing on abolishing or criminalizing sex work won't effectively protect the human rights of affected women or address human trafficking. In fact, evidence suggests that criminalizing sex work increases vulnerabilities, inequalities, and discrimination against sex workers, leading to more risks, dangers, and harmful impacts.

Who is vulnerable?

In particular migrant women are vulnerable to sexual exploitation. Migrant sex workers find themselves in highly challenging living and working conditions, experiencing more profound isolation, vulnerability, and social exclusion compared to other sex workers. Their situation is primarily governed and managed through immigration laws, rather than regulations pertaining to sex work. However, they are still affected by the enforcement of sex work laws and suffer legal and social disadvantages due to their status as migrants. The political inclusion of migrant sex workers is therefore even more complex: these people often lack right of residence and therefore also access to even the limited legal, social, and health care facilities available to resident sex workers. This creates also hidden situations, where women exploited, are not recognised and remain hidden.

Forms of Violence

Sex workers worldwide suffer various violence forms, including social-emotional (bullying, privacy violations, stalking), sexual, and physical violence like aggravated assault. They also encounter financial-economic violence, from non-payment by customers to discrimination by

¹ [Victims of trafficking of human beings up 10% in 2021 - Products Eurostat News - Eurostat \(europa.eu\)](#)

financial institutions. However, few report these incidents due to the criminalized and stigmatized nature of sex work, leading to unpunished violence. Addressing this requires protecting sex workers' rights and investigating and prosecuting all violence in the sex sector. Sex workers should be recognized as rights holders, empowered to protect themselves and seek justice. Criminalization strips their income without alternatives, stigmatizing and marginalizing both domestic and migrant workers. It pushes the sex industry underground, limiting sex workers' access to health, social, and legal support, and reducing chances to identify trafficking victims.

EU policies on Human Trafficking, Migration and prostitution and impact

The EU is currently taking a firm stand to prevent migration. However, a policy focusing exclusively on tackling "illegal immigration" fails to address the needs of migrants and those who are trafficked. Such a stance leads to an increased risk for all individuals involved, irrespective of their level of autonomy in crossing borders or selecting their occupations. The rigidity and severity of recent immigration laws in Europe have heightened the risks of exploitation for migrant women without decreasing their numbers or presence.

It's crucial to acknowledge that migrant women are an essential component of the workforce. For many, due to obstacles like language barriers, lack of professional training, or absence of work permits, engaging in sex work becomes a viable means to support themselves and their families. However, even if sex work is chosen as a survival strategy due to a lack of alternatives in certain cases, it can be practiced self-determined and rights of sex workers should be respected and promoted.

The European Union and the United Nations have both recognized that sex work is a field of work where human trafficking occurs. Regardless of whether migrants in sex work are there by deception, voluntarily, or under coercion, they endure severe isolation, vulnerability, and a lack of access to rights and justice. This social and political marginalization is a key factor in the growth of trafficking for sexual exploitation and the ongoing impunity of traffickers.

As for EU's anti-trafficking policies, the EU's primary focus on human trafficking is prevention. To prevent human trafficking, policymakers have called for measures addressing demand that fosters human trafficking, including by proposing a binding criminalising of the knowing use of services provided by victims of trafficking and some also promote strict liability and the promotion of the Nordic model, criminalising the purchase of sexual services.

However the demand discussion is conflated too, there is no clear understanding of which demand fosters human trafficking and which demand we aim to address. Moreover measures primarily focus on addressing prostitution (sex work), without evidence of any positive impact on the reduction of human trafficking. The demand that fosters others form of human trafficking, including in other sectors like fishing, construction, agriculture, and domestic labour, are not addressed with such measures.

To address sexual exploitation, there has been no exploration of decriminalizing sex work as a means to fight human trafficking and provide labour rights to sex workers in Europe, as generally acknowledged to promote and guarantee workers' rights. The stringent laws on sex work are impeding the battle against trafficking for sexual exploitation and curbing the potential of supportive social interventions for victims.

Governments often use anti-trafficking laws against sex work and migration, aiming to stop exploitation in the sex industry rather than fostering a safe environment for sex workers. Efforts to dismantle the sex industry disrupt sex workers' lives, increasing dependence on third parties and isolation. This approach also makes trafficking victims harder to locate and often fails to meet their needs.

Criminalising the knowing use of victims of trafficking

Recently, a political agreement has been reached on the revision of the EU THB Directive. It has been agreed to make it a binding offence to criminalise the knowing use of services provided by victims of trafficking in EU law. We have done research on this issue and have opposed this binding criminalisation as we concerned about the harm this will cause:

- Firstly, it promotes risks for those providing sexual services – including potential trafficked persons – through increased stigmatisation, vulnerability and pushing prostitution further into the social periphery. This exacerbates the vulnerability of sex workers as well as the violence and human rights violations they are facing. It should raise serious concern that certain countries have even criminalised all purchase of sexual services as well as third-party involvement, all rendering affected persons more vulnerable to exploitation.
- Secondly, proceedings can be harmful and cause secondary victimisation on the victim-witness who will be called to testify and be questioned by the defence lawyer. The qualification of the victim as a witness can further lead to an erosion of the trafficked persons’ rights, since as a witness the person might not be entitled to the same support.
- Lastly, we have seen that the implementation and application of the national provisions criminalising the ‘knowing use’ have been limited (almost exclusively) to sexual exploitation. In practice, this means that the provision is (mis)used to criminalise users of sexual services only, and thus functions as a prostitution regulation disguised as an anti-trafficking action.

See further our [research paper](#).

Recommendations

1. Clearly distinguish between human trafficking and prostitution (sex work).
2. Engage sex workers and organisations that support and advocate on behalf of sex workers much more in policy making at national and international level.
3. Decriminalise sex work
4. Ensure that sex workers can safely report crimes and have access to adequate support and complaint mechanisms.
5. Ensure access to legal migration and job opportunities and decent work for migrant workers, to prevent human trafficking and sexual exploitation.