**Input for the Report of the UN Special Rapporteur on Violence against Women and Girls to the Human Rights Council on Prostitution and Violence against Women and Girls**

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**Introduction**

We offer a contribution to the report of the UN Special Rapporteur on Violence against Women and Girls in relation to questions 5, 6, 9, 12, and 14, drawing on our research. Our contributions concern the area of overlap between trafficking for purposes of sexual exploitation and the sex trade/prostitution. They address data, root causes, comparative regulation, and recommendations for improved policy.

**Our research**

This contribution is drawn from the book *Trafficking Chains: Modern Slavery in Society* written by Sylvia Walby and Karen Shire, to be published by the University of Bristol Press in April 2024.

It is informed by our research funded by the European Commission Anti-Trafficking Coordinator’s Office, which produced four reports on trafficking in human beings on: the gender dimension, a comprehensive review of EC projects, data, and the economic costs of trafficking for society. This includes original empirical research comparing the development of policy to prevent trafficking for purposes of sexual exploitation.

Links to these open access publications can be found in the References below.

**Trafficking in human beings and prostitution**

Our research concerns trafficking in human beings, which includes trafficking for purposes of sexual exploitation. Prostitution is one of the foremost sites of this sexual exploitation. Our contribution here concerns the area of overlap between prostitution and trafficking for purposes of sexual exploitation. The definition of trafficking deployed is the legal definition used in the UN Palermo Protocol of 2000.

**Data**

*Question 9. What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls.*

The data on both trafficking in human beings and on prostitution is insufficient and is still under development.

There is data at the national level on the victims of trafficking that register with the authorities, which includes specific information on those trafficked for purposes of sexual exploitation. This data is collected from national authorities and published by the UNODC. This is an underestimate of the amount of trafficking for sexual exploitation since most victims do not register with the authorities. Data is also collected by non-governmental organisations supporting persons in prostitution. This data includes cases not reported to the authorities.

There are innovative techniques to improve the estimates, which include data from surveys, from the ILO, Walk Free and the International Organization for Migration, and other organisations. These need further development to support the measurement of trafficking for the Indicators in the Sustainable Development Goals. Greater coordination between a range of relevant UN agencies, including the UNODC and ILO, would help the process of improving the data.

**Root causes**

*5. Who is responsible for the perpetration of violence against women and girls in prostitution?*

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

Trafficking for purposes of sexual exploitation is a violation of the human rights of women and girls. It is also a crime under international law. It is the exploitation of the vulnerabilities of others and involves the coercion of women and girls to extract profit.

While much of the focus has been on the individual traffickers and victims, the individual buyers and sellers of sex, the analysis would be improved by taking a wider view. This should include considerations of institutions and wider regimes of inequality. These are not individual responsibilities but involve the whole of government and the whole of society.

The link between prostitution and the violation of the human rights of women and girls is found in social systems that generate situations of vulnerability for women and girls and impunity for those that exploit this vulnerability. The chains of profit-taking from the sex trade are a key linkage. This involves the strategy for economic development, as in the advancement of the SDGs, and the strategy for gender equality, as in CEDAW.

**Recommendations**

*12. What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls.*

*14. What recommendations do you have to prevent and end violence associated with prostitution for women and girls?*

We recommend greater use of non-criminal sanctions to regulate the institutions that create the context for coercion in prostitution. We recommend greater attention to regulating entities that take profits from the sex trade, rather than on individual sellers and buyers of sex.

There are three immediate sites for the regulation of prostitution, the seller, the buyer, and the profit-taker; of these the most important is the regulation of the profit-taking from the sale of sex. There is a further range of important institutions and practices that can be subject to regulatory reform. There are multiple bodies of relevant law, not only criminal law, but also employment law, company law, and health and safety law.

We investigated innovations in policies to prevent trafficking for purposes of sexual exploitation in a comparative analysis of policies towards the sex trade/prostitution. There was a special focus on recent developments in Germany, and a comparison with Sweden, the Netherlands, the UK, and the US. In the European countries, the concern has been to stop the coercive aspects of the sex trade against those selling sex, without engaging in the carceral policies aimed at its total abolition as in the US.

We conclude that the most effective policy, with least deleterious effects, has been to address the third parties that extract profits from the transactions between sellers and buyers. Policies to suppress third party profit-taking from the sale of sex can reduce the size of the sex trade without the use of criminal sanctions against sellers or buyers. In most of Europe, including the UK, this is government policy and law.

The experiment in Germany to reduce the coercive aspects of the sex trade by turning it into a legitimate business that could be more easily and effectively regulated to produce decent work is not succeeding, as evidenced by low compliance and the failure to protect the most vulnerable groups of migrant women.

The reduction of coercion in the sex trade would be improved if there were greater support for those in situations of vulnerability. This especially concerns women and girls who are migrants. This would require the removal of the exclusions in relation to access to justice and welfare that affect women and migrants.

There are also several wider policies that have important indirect effects on preventing trafficking for sexual exploitation by reducing both situations of vulnerability and incentives for exploitative economic practices. The strategy for economic development towards inclusive sustainable development, as measured by the SDGs, rather than only economic growth, as measured by GDP, prioritises concern for well-being not only profits. Embedding these principles for development into finance for development would help to reduce the development of sectors of the economy that facilitate the emergence of exploitative and coercive practices. The regulation of the sale of labour by recruitment agencies is important as is ensuring access to public services of welfare and justice to women and migrants.

Reducing and ending trafficking for the purpose of sexual exploitation requires a whole of government and a whole of society approach.

**References**

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