Call for input to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls

1. **Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?**

Apart from street prostitution, Police and social services report that prostitution is often provided in private apartments or in so-called Champagne Bars. Another form of prostitution is provided via Escort services. Apart of that, we generally see that street prostitution is in retreat to other forms of prostitution offered via social media or advertising in newspapers. COVID19 has certainly increased the impact of social media on prostitution offers.

1. **Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.**

We do not have reliable data on this point.

1. **Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.**

We do not have details of the profile of prostitutes' customers except for the fact that they are male. They are not just single men, but also men who are married or in a stable relationship, with or without children.

The voluntary relations between adults is not prohibited but the Luxembourgish criminal law forbids amongst others the situations that are not voluntary and/or where a minor or a vulnerable person is involved in its articles 382-6, 382-7 et 382-8.

1. **What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?**

Prostitutes can be victims of physical, psychological, and economical violence.

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

Human traffickers and pimps are predominantly the authors of violence against women. Violence can also occur between clients and people who prostitute themselves, most specifically when people who prostitute themselves are in vulnerable situations.

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

It should be noted that unlike other countries, Luxembourg considers people that engage in prostitution as victims and not criminals and prostitution as such is therefore not prohibited under the Luxembourgish Criminal Code. However, the use of prostitution services offered by certain categories of vulnerable persons is prohibited (minors, victims of trafficking in human beings, victims of sexual exploitation/procuring, persons who have a particular vulnerability, whether apparent or known to the perpetrator, due to their illegal or precarious administrative situation, precarious social situation, state of pregnancy, illness, infirmity or physical or mental disability).

Procuring is also prohibited, this offence is interpreted broadly in Luxembourg as many situations can fall into this offence (e.g. Art. 379bis of the Criminal Code: *“A pimp is anyone who a) who in any way aids, assists or knowingly protects the prostitution of others or soliciting with a view to prostitution; b) who, in any form whatsoever, shares the proceeds of the prostitution of others or receives subsidies from a person engaged in prostitution; c) who hires, trains or maintains, even with his or her consent, a person, even an adult, with a view to prostitution or delivers him or her into prostitution or debauchery; d) acts as an intermediary, in any capacity whatsoever, between persons engaged in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others; e) who, by threat, pressure, manoeuvre or any other means, hinders the action of prevention, control, assistance or re-education undertaken by qualified bodies in favour of persons engaged in prostitution.*)

1. **What links are there between pornography and/or other forms of sexual exploitation and prostitution?**

In the Luxembourgish Criminal Code, offences relating to procuring and child pornography are distinct but may sometimes overlap within different incriminations when they concern minors.

Article 379 of the Criminal Code punishes in the same way the promotion of debauchery, corruption or prostitution of a minor on the one hand and the recruitment of minors for the production of pornographic shows on the other. Attending these "pornographic shows" is also punishable.

In addition, the offences relating to procuring are distinct from the offence of trafficking in human beings, which in reality is always committed by means of coercion, whereas this is not necessarily the case with procuring, which consists of persuading a person to prostitute themselves.

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

With regard to the offence of trafficking in human beings, the victim's consent does not exonerate the perpetrator. Nor does it constitute a mitigating circumstance.

With regard to procuring, whether or not the prostitute consents to prostitution, the offence of procuring can be characterized.

1. **How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

Luxembourg doesn’t distinguish between women and girls as such and women and girls in prostitution. The legal framework on violence against women and girls is therefore applied to all women and girls. There are no legal texts that address women and girls in prostitution specifically.

1. **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?**

So far, there are no specific measures to collect data on prostitution. The social service DROPIN by the Luxembourg Red Cross Association is a care service provided to people in prostitution. DROPIN gives annual reports on the number of consultations, health care appointments provided, people in prostitution approached via streetwork, telephone contacts in order to outreach indoor prostitution, people in the EXIT program and on other activities provided. These annual reports provide an approximative overview on prostitution in Luxembourg.

1. **What measures are in place to assist and support women and girls who wish to leave prostitution?**

Since 2015, DROPIN is providing an EXIT strategy for people who want to leave prostitution. In cooperation with the National Employment Agency, DROPIN gives assistance in all the different administrative steps to these candidates. DROPIN also provides housing for people that are in this program.

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

The main challenge is always to outreach to as many people who prostitute themselves as possible. Prostitution has become more and more invisible, as street prostitution has been in retreat to other indoor forms of prostitution. Social services are pushing towards a better communication of the services they can provide via social media and to elaborate new strategies to reach as much prostitutes as possible.

1. **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?**
2. **Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?**

Yes. Luxembourg has a national COMITÉ PROSTITUTION, a national committee with representatives of ministries, police and judiciary authorities and social services to discuss the challenges to tackle in all dimensions prostitution in Luxembourg. Social services have a key role to play in national policy making, as they are close to the concerned target group.

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

Any legal model on prostitution that has as major consequence a shift towards invisible forms of prostitution always entails the risk that police authorities and social workers cannot reach people who prostitute themselves any more.