



EWL contribution to a New EU Strategy Towards the Eradication of Trafficking in Human Beings

As a civil society organisation which has long been committed to working towards the eradication of trafficking in women and girls and a member of the EU Civil Society Platform against Trafficking in Human Beings, we welcome the consultation process launched by the European Commission to gather civil society's feedback on the top priorities that need to be addressed in the new EU Strategy on trafficking, and on the specific actions that should be further developed from existing activities.

The European Women's Lobby (EWL) is the largest umbrella organisation of women's associations in the European Union (EU), working to promote women's rights and equality between women and men. EWL membership represents a total of more than 2000 organisations in 26 EU Member States, three Candidate Countries, one former EU Member State and one European Free Trade Association country, as well as 17 European-wide organisations, representing the diversity of women and girls in Europe. The EWL has worked on the issue of combating trafficking and sexual exploitation for more than twenty years, and welcomes the work of the Coordinator's Office to ensure all Member States uphold their responsibilities in responding to this violation of women's rights through ensuring effective collaboration and coordination across the Commission.

Our organisations and networks include organisations advocating for women's human rights and gender equality, frontline organisations supporting mainly women and girl victims of sex trafficking and prostitution, and human rights groups promoting the empowerment of migrant women and young women.

Our organisation is a founding partner of the [Brussels' Call 'Together for a Europe free from prostitution'](#). We campaign to raise awareness on the reality of prostitution and sex trafficking and to contribute to the achievement of abolitionist policies on prostitution in order to combat sex trafficking and to realise women's and girls' human rights.

Within the broader context of THB, our main focus is on trafficking for sexual exploitation, which is the most prominent form of trafficking in the EU. The overwhelming majority of victims of sex trafficking are women and girls. We strongly believe that strong EU action focusing on sex trafficking would substantially contribute to ending this pervasive violation of human rights and would send a clear message that human beings are not for sale.

"They say that slavery has disappeared from European civilisation. This is incorrect. It still exists, but now it weighs only on women, and it is called prostitution."
Victor Hugo, 1862

We commend the work of the EU Anti-Trafficking Coordinator since taking up her post in 2011. Under her leadership, over her two four-year terms, the EU has delivered strong messages with regards to the reality of sex trafficking, its highly gendered nature, and the links between sex trafficking and prostitution. Networks have been built between Member States and civil society across Europe, and national structures for combatting trafficking were created and strengthened.

Despite these developments, we see no substantial progress towards the elimination of the pervasive phenomenon of trafficking in human beings and no real determination, from the EU and its member states, for change. This is why we call on the European Commission to focus its work, in the framework of its new anti-trafficking Strategy, on the following three aspects: fostering a **real end to the demand** that drives sex trafficking and prostitution through renewed legislative action; pushing for the **adoption of codes of conduct** preventing the purchase of sex by EU officials and promoting the adoption of such codes of conduct by the European Business Coalition against trafficking in human beings; and supporting the development of **sustainable alternatives and exit programmes** for victims of sex trafficking and persons wishing to exit prostitution, everywhere in the EU.

Moreover, we urge for the following actions, included in the current Strategy, to be further developed and strengthened: Developing **effective prevention campaigns** and actions in partnership with civil society organisations; Strengthening **funding opportunities** for civil society organisations assisting victims of sex trafficking and those involved in prostitution; Ensuring the **exchange of good practices** at the meetings of the EU Civil Society Platform against trafficking in human beings.

To bring concrete change and ensure that no one in the EU is left behind, the European Commission must adopt and implement an EU Strategy on trafficking which puts equality between women and men, dignity and solidarity at its core.

**As per the topics set out in the Consultation document,
here are our proposals to make it happen.**

Fostering a real end to the demand that drives sex trafficking and prostitution

Under Article 18(1) of the EU Directive on human trafficking, Member States are obligated “to take appropriate measures to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.”

For our organisations, there is no doubt that **prostitution and sex trafficking are intrinsically linked**: “Prostitution is the place where sex trafficking happens, it is the reason why sex trafficking happens” (Rachel Moran, sex trade survivor).

There is also no doubt that trafficking and prostitution are benefit-driven activities. According to the UNODC, the European market of sexual exploitation amounts to US\$3 billion per year. Like for any other business, **demand is at the core of the system**: it perpetuates it and makes it lucrative. If there were no men to buy sex, there would be no prostitution and therefore no trafficking for sexual exploitation; pimps and traffickers would turn to a more profitable industry. **If we want to follow the money, then we need to address the role of sex buyers.**

There is increasing evidence that the so-called ‘Nordic model’, through the criminalisation of the purchase of sex, contributes to deterring trafficking and organised crime. Evaluations in Sweden and Norway have demonstrated that tackling the demand for prostitution is the most strategic and efficient way to reduce sex trafficking, but also to change mentalities and reduce violence against women.

Addressing the demand is a central provision of the EU Directive: it is a key legislative tool to disrupt a system which exploits the most vulnerable in Europe, starting with women and children.

In several answers to Members of the European Parliament, the European Commission has acknowledged the intrinsic links between prostitution, trafficking and organized crime. In an intervention in the European Parliament (EP) in January 2014, Europol explained that trafficking in human beings, and especially in women and girls, has increased in the countries where prostitution markets have been legalised. A 2013 study of 150 countries, conducted by economists from the UK and Germany, found that “the scale effect of legalised prostitution leads to an expansion of the prostitution market, increasing human trafficking.”

Challenging the demand for prostitution should also be a priority for the EU according to its core value of equality between women and men, enshrined in the Charter of Fundamental Rights of the EU. The EP resolution on “Prostitution, sexual exploitation and its impact on gender equality”, adopted in February 2014 and supported by a large cross-party majority, acknowledges that “prostitution is a cause and a consequence of gender inequality, which it aggravates further” and therefore considers that “one way of combating the trafficking of women and under-age females for sexual exploitation and improving gender equality is the model implemented in Sweden, Iceland and Norway (the so-called Nordic model), and currently under consideration in several European countries, where the purchase of sexual services constitutes the criminal act, not the services of the prostituted persons.”

We strongly urge for the new EU Strategy on trafficking in human beings to commit to updating the current Anti-Trafficking Directive and propose new legislation in a Directive which would End Sexual Exploitation, as per TFEU Art83/1, to establish the eradication of the demand for prostitution, as the key root cause for sex trafficking, as a key priority, and to call for the prohibition of the purchase of sex (while decriminalising those selling sex) as the most effective tool to eradicate sex trafficking and realise gender equality.

Several EU Member States have enacted laws criminalising buying sex with a victim of trafficking (or procurement). However, these laws appear to be difficult to enforce, do not have a meaningful deterrent effect on buyers, and do not send the unequivocal message that women and girls (and men and boys) should not be bought and sold for sex. In several of these countries, it has been recommended to extend the bans to fully criminalise the purchase of sex.

In recent years, we have seen many more countries adopting the Equality Model by criminalising those who drive demand and violence in prostitution (pimps, traffickers, buyers) while decriminalising all those directly affected by prostitution and offering them support services instead.

EU Member States which are addressing the root cause of trafficking for sexual exploitation by criminalising the demand for paid sex and decriminalising people in prostitution are most effectively fulfilling their legal obligation under Article 18(1) to discourage the demand that fosters exploitation related to human trafficking. There is a clear and growing trend in Europe towards this approach. The legalisation approach taken by some Member States, on the other hand, has done nothing to reduce demand for exploitation or improve the situation of victims, and has in fact arguably encouraged it through normalisation of prostitution and hypersexualisation, as shown in the megabrothels of Germany and lack of municipal investment in support services for those affected by the sex trade, or the Red Light District in Amsterdam, where rates of child trafficking are highly worrying.

While the recommendation made in Article 18(4) to criminalise the purchase of sex from a victim of trafficking is a step in the right direction as it recognises the role of those who pay for sex in the exploitation of people in prostitution and victims of trafficking, it does not go far enough and does not send the unequivocal message that people are not for sale. Several EU Member States which have experimented with this offence have since come to the same conclusion and have already or are moving towards full criminalisation of the purchase of sex. Thus, at a minimum we call for an amendment to the text of the Directive for the purposes of clarifying the intent of Article 18(4), to remove the words “consider” and “knowingly” from the text, to ensure all those who facilitate THB are held to account while emphasising that trafficking for sexual exploitation is inseparable from the sex trade as a whole.

In an effort to more effectively tackle exploitation, organised crime and gender inequality, we urge the European Commission to call on Member States to move beyond the minimum suggested by the Directive and to fully criminalise the purchase of sex, while decriminalising and providing support for those selling sex, including to exit prostitution. This should be done through legislative action based on the TFEU Article 83, which recognises “trafficking and sexual exploitation of women and children” among Eurocrimes. Yet we note the lack of inclusion of the full context of sexual exploitation as distinct from THB in any existing EU legislation.

The European Commission must propose a comprehensive Directive on all forms of violence against women, establishing minimum rules on the definition of criminal offences and sanctions, specifically including provisions to tackle sexual exploitation, in order to ensure direct effect in EU Member States’ legal order. This Directive will need to work in alignment with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, as well as other relevant legislation including Directive 2011/93/EU combating the sexual abuse and sexual exploitation of children and child pornography and Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims.

As per the Article 83.1 of TFEU and in alignment with the European Parliament Resolution of 14 February 2014 on “sexual exploitation and prostitution and its impact on gender equality”, the legislation under such a Directive should decriminalise all of those directly exploited in the prostitution system and ensure that Member States provide them with all necessary protections and supports. At the same time, it should criminalise all forms of coercive control and exploitation including pimping and trafficking, and forbid the purchase of a sexual act. This approach aims at tackling specifically the demand for paid sexual services, recognising that this is the driving force behind the system of sexual exploitation of women.

It is crucial that any legislation tackling violence against women or discrimination in digital spaces should also take into consideration the phenomenon of trafficking and sexual exploitation as set out in the TFEU Article 83, including the upcoming Digital Services Act, and the newer forms of sexual exploitation which are causing significant violence and preventing equality, including pornography.

Pushing for the adoption of codes of conduct preventing the purchase of sex by EU officials and promoting the adoption of such codes of conduct by the European Business Coalition against trafficking in human beings

The recent flows of refugees to and throughout Europe have highlighted the lack of interest and understanding for the specific situation of women and girls on the move by decision-makers and the media. The vast majority of women and girls migrating throughout Europe are fleeing conflict and male violence, and are looking for a safe environment. However, they face different forms of male violence on their journey and see their human rights violated in Europe, according to the findings of EWL project #womensvoices. Their situation puts them in a state of higher vulnerability to male violence: on the way and in the centres, they face rape, sexual assault, sexual harassment, sexual exploitation from different perpetrators; they have to resort to prostitution in order to get access to food, housing or transport; they face domestic violence; girls are being sold for marriage or trafficked for sexual exploitation.

For humanitarian and conflict cases, the UN has developed codes of conduct to make sure that its staff is not perpetrating and/or fostering sexual exploitation and sex trafficking. Since 2003, it is prohibited for all UN staff to purchase sex, as a measure to prevent sexual exploitation and protect the most vulnerable – mainly women and girls. **It is high time for the EU to enact a similar code of conduct**, for all situations which involve EU staff (not only in crisis management or humanitarian situation). By implementing ethical guidelines against sex purchases and sexual exploitation, the EU shows that it respects and takes an active part in realising the common goal of safeguarding human rights. Such measure would be in line with the Strategy's call for training for those who work in the field, namely the judiciary and cross-border law enforcement, but also asylum and humanitarian staff.

Moreover, according to the current EU Strategy, the European Commission is committed to working together with a **European Business Coalition** to “develop models and guidelines on reducing the demand for services provided by victims of trafficking in human beings, in particularly in high-risk areas, including the sex industry, agriculture, construction and tourism”.

The anti-trafficking Directive creates legal obligations of businesses, namely the liability and sanctioning of legal persons for trafficking in human beings offenses (Article 5). In order to prevent cases of trafficking by businesses, and to contribute to demand reduction, we believe that businesses should proactively develop actions. We support the Commission's vision that corporations can be involved in the counter-trafficking and women's rights work. **By implementing ethical guidelines against sex purchases and sexual exploitation, companies show that they respect and take an active part in realising the common goal of safeguarding human rights.** Ethical guidelines improve the work environment within the organisation and reduce the risk of corruption, at the same time as it contributes to a more gender equal world.

Sectors like hotel business, transport, tourism, are key sectors as they might be in contact with the systems of trafficking. We call on the EC to foster cooperation with those sectors, in order to have them actively cooperate to the struggle against prostitution and trafficking in human beings. Crucially, there must also be mechanisms in place to ensure the implementation of these codes of conduct and to hold those who do not abide by them to account.

We strongly urge for the new EU Strategy on trafficking in human beings to include a commitment to enact a Code of Conduct prohibiting all EU staff from purchasing sex, and to ensure that members of the European Business Coalition against trafficking in human beings pass and enforce similar Codes of Conduct.



Corporate Compass – policy on sexual exploitation

A project by the Swedish Women’s Lobby

One third of all sex purchases occur in connection to business trips abroad. The project *Corporate Compass* encourages corporations to implement **ethical guidelines to counter sexual exploitation** in protection of human rights as well as the protection of their employees.

Find out more: <http://www.rattriktning.se/home/>

Hotels against trafficking

A project by Realstars (Sweden)

Sex trafficking in hotels is a well-known problem in most countries. The hotels can address this human rights issue and be part of a solution and a win-win situation. The message “This is a Fair Sex Hotel” manifests that **the hotel does not turn a blind eye to prostitution**. Communication also helps the hotel to position itself on the market and tell the world about its commitment to social responsibility.

Find out more: <http://realstars.eu/en/csr/hotels/>



BUSINESS AGAINST TRAFFICKING

Supporting the development of sustainable alternatives and exit programmes for victims of sex trafficking and persons wishing to exit prostitution, everywhere in the EU

The EU Strategy commits to the delivery of information on the rights of victims: rights to assistance and health care, to a residence permit, labour rights, rights regarding access to justice and to a lawyer, and information on the possibilities of claiming compensation. Besides information on victims' rights, protection and assistance should be part of a comprehensive support strategy and should be delivered everywhere in the EU with a gender perspective.

Protection and assistance are central tenets of the EU Strategy. The European Parliament, in its resolution of 12 May 2016 on the implementation of the anti-trafficking Directive, lists a series of services that need to be provided to all victims irrespective of their legal status and based on non-discrimination. **The EP also highlights the specificity of sex trafficking and its intrinsic links with prostitution, therefore calling for specific protection and assistance measures.** The Members of the EP call in particular for "protection measures offered to victims of trafficking for sexual exploitation to be extended, in order to minimise harm, prevent re-trafficking and secondary victimisation and cater in every case for individual needs" (para 77), as well as for "exit programmes and schemes to empower and protect the rights of those in prostitution and reduce their vulnerability to exploitation" (para 51).

Our organisations have a clear view on the protection and assistance needs of victims of prostitution and sex trafficking: protecting and assisting victims of prostitution and trafficking for sexual exploitation includes **providing them with viable alternatives to prostitution** so that they are not at risk of being re-trafficked or re-exploited.

Healing from sexual exploitation is for many people a long process which requires various areas of assistance – which can include psychological counselling, assistance with housing, employment, support to end drug and alcohol addiction – and requires **adequate and sustained resourcing.**

Here are some of these key standards for the implementation of exit programmes and sustainable alternatives for victims of prostitution and sex trafficking:

- It's essential that women's organisations, with experience working with women victims of sexual abuse and violence, participate in the identification process of victims, and in the establishment of services.
- Frontline staff (judges, municipality workers, medical staff, police, social workers...) must be trained on violence against women and sex trafficking, as well as gender equality, and referral mechanisms should be developed and coordinated.
- Assistance and individual care should encompass: safe housing, food and clothing, health services including access to sexual and reproductive health, legal services, social and psychological support, money for activities, training and education possibilities, employment assistance, support in dealing with authorities.
- Access to justice must be ensured, and victims of prostitution and sex trafficking should be entitled to compensation.
- Returns of foreign women victims of trafficking must be voluntary.

We strongly urge for the new strategy to include a provision mandating EU member states – regardless of their legal approach to prostitution – to provide exiting services for persons in prostitution and victims of sex trafficking, and for the EC to set aside funding to NGOs for this purpose.

This should be undertaken through Daphne, AMF and other European funding, and Member State direct supports.

“Eradication of trafficking in human beings can only be achieved if the crime is prevented from happening in the first place by using all available tools at EU and national level”, according to the EC report on the progress made in the fight against trafficking in human beings (2016).

Effective prevention campaigns target the root of the problem, namely the demand that fuels exploitation. Because of the inextricable link between sex trafficking and prostitution, and of the nature of demand (see the outcomes of the study Stop Traffick!), **such campaigns must aim to deter men from buying sex in general**, not only when trafficking is involved.

Many campaigns targeting the demand have already been implemented in several countries, at different levels (from local to national). We urge the Commission to take inspiration from these examples, such as the ones presented on the next page.

The demand for prostitution is a shared phenomenon in all EU countries, and an effective campaign should therefore be EU-wide, providing a clear message about the links between buying sex and fostering an exploitative system, as well as about the gendered dimension of prostitution and sex trafficking which are obstacles to the realisation of equality between women and men. **Any EU-wide campaign on preventing trafficking should have the goal of equality between women and men at its core.**

“Whereas societal tolerance of gender inequality and violence against women and girls and the lack of public awareness of the issues surrounding THB perpetuate a permissive environment for THB”

EP resolution of 12 May 2016 on the implementation of the anti-trafficking Directive

Civil society organisations working for years on the issue of sex trafficking, with victims and/or those paying to use victims, and those made up of survivors themselves, hold a wealth of knowledge about what works and what doesn't when it comes to preventing exploitation. The Commission must take advantage of this knowledge and experience to develop effective prevention campaigns. At the same time, it must allocate adequate resourcing for such organisations to develop their own campaigns.

Particular attention should be given to women and girls asylum seekers, refugees and migrants, including unaccompanied girls. Our organisations want to highlight once more the reality of the system of prostitution: a system which makes the most of all discrimination and inequalities by exploiting the most vulnerable, starting with women and girls, from minorities or migrant background, and from poorer regions. Prevention campaigns should also send a strong message about the human rights of migrant and refugee women and girls, according to the demands of the migrant women's organisations (see below the vision of the European Network of Migrant Women).

We strongly urge for the new Strategy to develop prevention campaigns that target the demand for paid sex – and thereby for victims of sex trafficking – and to meaningfully involve civil society organisations – including those which are survivor-led – in the development of these campaigns with resourcing provided to support their full participation.

Strengthening funding opportunities for civil society organisations assisting victims of sex trafficking and prostitution

As highlighted in the Commission's report on the progress made in the fight against trafficking, "in the majority of Member States, practical assistance for victims is not provided by the state or local authorities, but by non-governmental organisations. It is therefore important that funding is secured for these organisations, allowing them to provide efficient and sustainable short- and long-term assistance to victims of trafficking".

Generally, civil society organisations working with victims of sex trafficking and those involved in prostitution need adequate and sustained resourcing. Funding for such work is difficult to obtain in many EU Member States and from international bodies and donors, whilst **it should be an issue of due diligence for governments as part of their duty to protect and assist victims**, while at the same time developing state-run services themselves. However, funding to civil society becomes even more crucial in the absence of direct state support to victims of trafficking.

The links between prostitution and trafficking should be recognised to allow such funding to be provided for civil society organisations assisting victims of prostitution and sex trafficking.

We strongly urge the new strategy to ensure significant funding for civil society organisations providing assistance to victims of sex trafficking and persons in prostitution.

Ensuring coordination of Anti-Trafficking efforts through a Coordinator and resourced Civil Society Platform

We were very happy to see the emphasis within the Gender Equality Strategy 2020-2025 on tackling violence against women and men, and especially appreciated the point on the issue of trafficking, particularly the included recognition that it is a highly gendered phenomenon where most cases are women and girls for the purpose of sexual exploitation.

In the frame of this work, we have always valued the consistent engagement and collaboration we enjoyed with EU Anti-Trafficking Coordinator Dr. Myria Vassiliadou and were sorry that her mandate was not renewed, given her significant expertise and skill set which was well suited to the role. It is crucial that the specific role and remit of the Anti-Trafficking Coordinator be maintained as it has historically been, to ensure that the full requirements of the EU Anti-Trafficking Directive 2011/36/EU can be implemented through effective coordination across the Commission, and between civil society and State at member state level. We would like to recall that under the Anti-Trafficking Directive the role of the Coordinator is clearly mandated, including provision relating to the supports that should be provided to them by the Member States and the EU institutions, particularly under articles 20, 27 and 29.

Indeed, it is only through having a standalone Coordinator who can work across all DGs that the successes of implementation of the Directive seen to date have been achieved. The former Coordinator's commitment and expertise was instrumental to ensuring that a cohesive vision and strategy was held not only within the Commission but also between Member States through the effective functioning of the NRM/Civil Society Platform on Trafficking in Human Beings, which not only brought together the National Monitoring Systems but also the key civil society actors, meaning there

was coordinated action between Government, justice and civil society systems, to the benefit of victims of trafficking.

Hence, we call for the new Strategy to hold clear commitment through a key role and resources assigned to the Anti-Trafficking Coordinator as a standalone role in the European Commission, and for the continued existence and support to the EU Civil Society Platform on THB.

The EU Civil Society Platform against trafficking has been an invaluable forum for EU organisations to obtain information into the work of the Commission around human trafficking, to directly feed into that work, and to exchange information with one another, including through the in-person meetings and the e-platform. Being able to exchange good practices with organisations working across the EU is extremely useful; the meetings of the Platform should provide space for organisations to propose exchange of good practices. For this reason, we urge for the new EU strategy to include this as one of its measures in relation to the Platform.

We urge the new Strategy include the continuation of the EU Civil Society Platform against trafficking in human beings and its in-person meetings, and to include as an aim for the Platform to foster the exchange of good practices between Platform members.