

Her Future is Equal



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EUROPE IS READY FOR A FUTURE FREE FROM SEXUAL EXPLOITATION

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INTRODUCTION

Her Future is Equal is the campaign launched in 2021 by the *Brussels' Call: Together for a Europe Free from Prostitution*, advocating the end of sexual exploitation in Europe. We promote the Equality Model as a proven approach to combat the complex issue of sexual exploitation.

All Brussels' Call members are committed to ending sexual exploitation in Europe. Through lobbying, advocacy, public engagement and the use of media, we can advance the cause of Brussels' Call in each of our member countries. While each of us is operating in a different context with specific sets of legal and cultural challenges, using strategic messaging and having access to an evidence base on the sex trade can be highly useful in advancing our shared goals.

This document sets out the reality of sexual exploitation and trafficking across Europe. Evidence shows that it is a highly gendered phenomenon that works across borders, where criminal networks exploit women's inequality and poverty for their own profits.

The Equality Model demonstrates that hope and change is possible for the women and girls of Europe and beyond. The Equality Model is an integrated approach that prevents violence and ensures accountability, justice and support.

European leaders have an opportunity to end international sexual exploitation through positive legislative change. We can finally end the historic injustice of men buying, selling, renting access to women's bodies.

SUMMARY

1. INEQUALITY AND PROSTITUTION

Pimps and traffickers target women and girls for the sex trade by leveraging different forms of disadvantage: sex, poverty and age, race and migration status. Sex is the first differentiating factor for prostitution. In Europe, 90% of prostituted people are women and girls,¹ and approx. 97% of sex buyers are men.² Pimps and traffickers take advantage of these factors to recruit women and girls for the sex trade, which ultimately creates numerous barriers to exit and can have lifelong consequences on the physical and mental health of those who have been exploited. 9 in 10 women in prostitution have said that they would leave it if they could,³ but the cycle of poverty entraps them in a system that relies on their exploitation.

2. VIOLENCE IN THE SEX TRADE

According to the Council of Europe, “Gender-based violence is defined as a form of violence that is directed against a woman because she is a woman and/or that affects women disproportionately and that seriously inhibits the ability of women and girls to enjoy their rights and freedoms on an equal basis with men.”⁴ By this metric, prostitution in itself constitutes a form of sexual violence against women and girls.

Violence is endemic in the sex trade – from pimps, brothel owners, partners, traffickers and sex buyers. One study revealed that 70–95% of women reported physical assault, 60–70% reported rape and 68% met the criteria for post-traumatic stress disorder (PTSD).⁵ Mortality rates for individuals in prostitution are also exceptionally high compared to the average worker.⁶ Such high levels of violence are unconscionable – and irreconcilable within a business that deals in exploitation and coercion.

¹ Sexual Exploitation and Prostitution and its Impact on Gender Equality, European Parliament Study 2014, p. 37: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET\(2014\)493040_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf)

² Stop Traffick! Tackling Demand for Sexual Services of Trafficked Women and Girls, Immigrant Council of Ireland 2014, p. 32: <http://www.stoptraffick.ie/wp-content/uploads/2013/03/STOP-TRAFFICK-full-report.pdf>

³ Prostitution and Trafficking in Nine Countries: an Update on Violence and Post-Traumatic Stress Disorder, M. Farley et al. 2003, p. 56: https://www.researchgate.net/publication/281348842_Prostitution_and_trafficking_in_nine_countries_An_update_on_violence_and_posttraumatic_stress_disorder

⁴ CoE Istanbul Convention, Article 3(d): <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

⁵ Farley et al. 2003, p. 56

⁶ Global Study on Homicide: Gender-related killing of women and girls, United Nations Office on Drugs and Crime 2018, P. 35: https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf

3. TRAFFICKING

Trafficking is endemic in the sex trade. 65% of trafficking in the EU is for sexual exploitation and 95% of those sexually exploited are women.⁷ While not every woman exploited in the sex trade has been trafficked, almost all trafficked women in the EU are in the sex trade. Trafficking would not happen without the demand for prostituted women and girls. The sex trade stokes this demand which in turn relies on trafficked women to feed it. While it can be argued that the sex trade does not rely wholly on trafficked women, the enmeshed nature of systems of prostitution, migration and trafficking make it very difficult to successfully root out exploitation. The only way to adequately respond to this challenge is to recognise the complexity of the sex trade, and to take action to combat sexual exploitation as well as trafficking.

4. MIGRATION AND PROSTITUTION

Migrant women make up between 80-90% of prostituted women in Austria, Ireland, Italy, Luxembourg and Spain; and between 60-75% in Finland, the Netherlands, Belgium, Germany, France, Greece, Denmark and Norway. This equals an average of 84%⁸. Many migrant women in the sex trade are victims of trafficking, but many also operate in a 'grey area' where migration by choice mutates into sexual exploitation at different touchpoints. In the EU today there is vast movement of people across borders, however, a fragmented approach to regulation and enforcement has led to unequal levels of protection and support for women across the EU. An EU wide, cross-border approach is needed in order to provide all migrant women with the same rights and protections and remove the barriers that entrap them in exploitation.

5. CHALLENGES TO REGULATION

In countries where prostitution has been legalised, such as The Netherlands, Germany and New Zealand, exploitation has not stopped and harm has not been reduced. Once established as a legal enterprise, we have seen that the trade presents impossible challenges to law enforcement in regulating a transnational trade that exploits differences between jurisdictions. Legalisation effectively shifts the burden of responsibility for the harms of prostitution, from those who cause the harm, onto local authorities and regulators. Furthermore, a country that sees prostitution as a 'job like any other' will not have the impetus to provide budgetary supports to adequately meet the severe support needs of those in or exiting prostitution in their countries. Legalised regimes can never adequately remove the harm that is intrinsic to prostitution.

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⁷ Data Collection on Trafficking in Human Beings in the EU, European Commission 2018 p. 18: https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

⁸ Monica O'Connor 2018, p. 18-19

THE EQUALITY MODEL HAS BEEN PROVEN AS AN EFFECTIVE WAY TO DISRUPT THE INFLUENCE OF THE SEX TRADE

6. THE EQUALITY MODEL

The Equality Model provides an opportunity to enshrine our shared European values of equality and solidarity into EU law. The Equality Model has been proven as an effective way to disrupt the influence of the sex trade. In Sweden,⁹ Norway¹⁰ and France there has been a marked reduction in men buying sex.¹¹ Contrary to statements from pro-prostitution lobbyists, there is no evidence to suggest that the Equality Model has led to increased violence against women in prostitution¹². Harmonised action at EU level is urgently needed to ensure adequate protection of women's right to live a life free from exploitation and violence.

There are a number of human rights and legal obligations that support the Equality Model. The Istanbul convention recognises prostitution as a form of violence against women and girls. Directives against human trafficking and exploitation are also relevant here including: CEDAW Article 6, General Recommendation number 38 and EU Article 83.1. Prostitution is also incompatible with human rights, the precedent for which is contained within Article 4 of the European Convention on Human Rights, EU treaties (Art. 2) and the European Charter on Fundamental Rights.

⁹ Swedish Government Offices (Statens Offentliga Utredningar) (SOU) 2010. Forbud mot kop av sexuell: En utvardering 1999-2008 [Prohibition of the Purchase of Sexual Services: An Evaluation 1999-2008, p. 7-8: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf

¹⁰ Evaluation of Norwegian legislation criminalising the buying of sexual services (English summary) Rasmussen et al. 2014: <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>

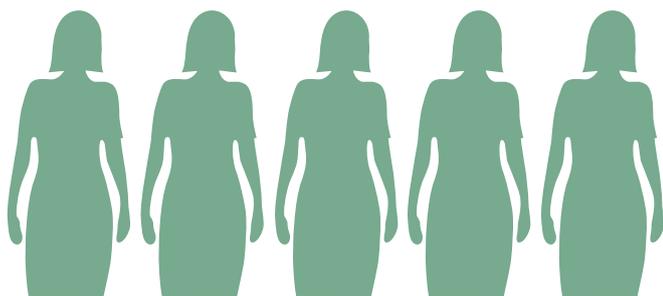
¹¹ A Study on the Impact of the Law from 13 April 2016 Against the 'Prostitution System' in France, La Bail and Giametta 2018: <https://www.medecinsdumonde.org/sites/default/files/ENGLISH-Synthese-Rapport-prostitution-BD.PDF>

¹² SOU 2010, p. 33

THE EQUALITY MODEL



Individuals selling or being sold for sex are no longer criminalised - this means they can go to authorities for protection



Supports are provided to help women leave prostitution, and to offer vulnerable women at risk of sexual exploitation more choices



Buying sex is punishable by a range of legal sanctions - this discourages people from buying sex and reduces the demand for sex trafficking



Pimping and brothel keeping are illegal to reduce the opportunity to profit from sexual exploitation and trafficking

OUR RECOMMENDATIONS:

- EU legal action on prostitution should be part of a comprehensive legal framework tackling the full continuum of male violence against women and girls, with an EU Directive as its cornerstone.
- Ending demand must be a core objective of legislation, ie tackling buyers as well as pimps and traffickers, as per the Anti-Trafficking Directive and being comprehensive in tackling all forms of sexual exploitation and abuse as per the Directive on Child Sexual Exploitation and Pornography.
- The Directive on all forms of male violence against women and girls must also seek and foresee harmonisation of all existing and upcoming EU laws relative to male violence against women and girls, including those mentioned above. As harmonising legislation, it is of utmost importance the Directive is the point of reference on how to address specific forms of violence and the responses to them.
- The Directive should update the Anti-Trafficking Directive to give a minimum standard of criminalising the payment for a sexual act from a victim of trafficking (including removal of the term “knowingly”).
- We propose the law includes as the legal definition of sexual exploitation: “sexual exploitation is a form of gender-based violence against women and girls which consists in the commercialisation of a woman’s body for obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual (or re-productive) services, including pornographic acts or the production of pornographic materials. It results in physical and psychological harm.” To this definition the absence of consent is recognised. This definition has been developed as a recommendation using the legal definition of child sexual exploitation from Directive 2011/93/EU.

**Learn more about the
Equality Model and pledge
your support by visiting
brusselscall.eu**

INEQUALITY AND PROSTITUTION

The historic practice of prostituting people is dependent on different forms of systemic inequalities - sex, poverty and age, race and migration status.

Allowing it to continue in Europe accepts and normalises these inequalities. Lack of clear, decisive action creates a vacuum that enables commercial sexual exploitation to take hold. It is vital that any legal model on prostitution takes into account the gendered nature of the sex trade and the forms of disadvantage that often accompany it, including poverty, discrimination against women in the labour market, and high levels of domestic and sexual violence against women in society.



1.A. INTERSECTING FORMS OF DISADVANTAGE: SEX, POVERTY, AGE, RACE AND MIGRATION STATUS

In Europe, 90% of prostituted people are women and girls,¹³ and approx. 97% of sex buyers are men.¹⁴ For women, their sex is the bedrock of discrimination and inequality that result in them being targeted for sexual exploitation, by violence or by economic coercion. The combination of discrimination and social disadvantage can lead to life-long challenges related to gender inequality such as: female and family poverty, strain from care work (for example, an ill parent), maltreatment, homelessness, prior sexual and domestic abuse, emotional abuse, parental substance abuse, early lone parenthood and family dislocation.¹⁵

These different forms of adversity can be compounded by other factors such as age, race/ ethnicity or other interrelated issues such as addiction, domestic abuse or poor mental health. For example, as part of a survey of 854 participants in nine countries **63% experienced child sexual abuse and 47% entered prostitution before age 18.**¹⁶ Age is a significant factor in prostitution as we know that many girls become sexually exploited while underage. In Europe, an estimated **75% of prostituted girls and women are between 13–25 years old**¹⁷. These children and young women are highly vulnerable to pimps and traffickers, with little economic power. In many cases, they are coming from less economically developed countries in Eastern Europe, Asia or Africa, where opportunities and protections for young women are severely constrained. Many of these girls are from ethnic minority backgrounds as migrants in a new country, or part of a marginalised ethnic

group, further constraining their choices and making race also a key factor in being targeted or prostitution.

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¹³ Sexual Exploitation and Prostitution and its Impact on Gender Equality, European Parliament Study 2014, p. 37: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET\(2014\)493040_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf)

¹⁴ Stop Traffick! Tackling Demand for Sexual Services of Trafficked Women and Girls, Immigrant Council of Ireland 2014, p. 32: <http://www.stoptraffick.ie/wp-content/uploads/2013/03/STOP-TRAFFICK-full-report.pdf>

¹⁵ Monica O'Connor, The Sex Economy, Agenda Publishing 2018 p. 23–24

¹⁶ Prostitution and Trafficking in Nine Countries: an Update on Violence and Post-Traumatic Stress Disorder, M. Farley et al. 2003, p. 57; 40 : https://www.researchgate.net/publication/281348842_Prostitution_and_trafficking_in_nine_countries_An_update_on_violence_and_posttraumatic_stress_disorder

¹⁷Europarl 2014, p. 6

Some women and girls are drawn into prostitution by 'boyfriend' pimps who groom them or use emotional manipulation to coerce them to enter the sex trade. This is a form of abusive relationship or intimate partner violence, where the woman is broken down by physical or emotional abuse by a partner so that he can exercise control over her. Vulnerable children and adolescents are also increasingly the target of grooming and contact with potential pimps online. This is in part due to the increasingly normalised way in which teen girls and children are sexualised in society.

The commercial sex trade markets itself to young women as a "lucrative, glamorous and fun" way to make money, as well as a form of 'work' that is also "sexually liberating and empowering." However, the vast majority of women become trapped in prostitution precisely because of a lack of choices. These are comprised of women who have been trafficked against their will from another country. Girls who are underage and cannot legally consent. They may be undocumented migrants who are excluded from legal employment opportunities. They might be in an abusive relationship with a man who coerces them to sell access to their body. They may be dealing with substance abuse issues, ongoing trauma, or homelessness. While every story is different, poverty is the uniting factor for the vast

majority of prostituted women. Prostitution is not a choice when you have been coerced, or when you lack other choices to provide income for yourself.

1.B. BARRIERS TO EXITING PROSTITUTION

9 in 10 women in prostitution have said that they would leave it if they could.¹⁸ Along with the factors that resulted in someone becoming vulnerable to sexual exploitation, there are many ways in which people become trapped in prostitution. If a woman or girl has been trafficked or coerced she may face a serious threat of violence to herself or possibly to her family if she tries to leave. For undocumented migrants, those who may have overstayed visas or other women who were smuggled or trafficked from abroad, residency status and other issues such as lack of education, skills, and language barriers result in them having no meaningful choice. They may also be reliant on their pimp or trafficker for housing and other resources. Issues such as addiction, trauma and mental illness, problems which are exacerbated by prostitution, prevent women from accessing training or employment. The stigma of prostitution also presents a huge obstacle for women seeking employment in other fields and is the principal reason that we protect the privacy of women whose words are used in our campaigning materials.

Sexual exploitation happens because of intersecting forms of inequality. Gender, social and economic inequalities leave women and girls vulnerable to exploitation by a predatory industry, and entraps them in a system that erodes their safety, wellbeing and opportunities for the future. Without

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¹⁸ Farley et al 2003, p. 56

alternatives, prostituted women are reliant on the income from prostitution, and it can be enormously difficult for them to acquire the savings required to leave prostitution behind and support themselves in the long term. Prostitution is not a solution to women's poverty. We need social investment to tackle the root causes of disadvantage and inequality in order to prevent exploitation in the first place and enable exits for those who are trapped.

1.C. HEALTH IMPACTS OF PROSTITUTION ON WOMEN

A report from European Institute for Gender Equality (EIGE) identified many of the physical harms and mental traumas of trafficking for sexual exploitation including “vaginal injuries, increased risk of sexually transmitted diseases and HIV, forced pregnancies, high rates of post-traumatic stress disorder, anxiety and depression.”¹⁹ The same report also highlighted the similarities between the impacts of sexual exploitation and other forms of gender-specific abuse including female genital mutilation (FGM) and forced and child marriage. These include: “sexual and reproductive dysfunctions, severe and complex post-traumatic stress disorder, suicidal tendencies and attempts, clinical depression, psychosis, loss of confidence and a reduction in professional and educational attainment. Victims are reported to have persistent feelings of shame and disgust, loss of sleep and psychological disassociation, as well as symptoms identical to those exhibited by the victims of torture and war.”²⁰

While it may be presumed that those trafficked for sexual exploitation experience more severe negative outcomes than those who are coerced into prostitution through

poverty or lack of other choices, when we look at the statistics of women who have experienced sexual violence and coercion in the sex trade as a whole 70-95% reported physical assault, 60-75% reported rape and 95% reported sexual harassment²¹. This indicates that violence is common among all those who are sexually exploited and who endure repeated unwanted sex with multiple people, coercion to engage in sex without a condom, sexual violence and rape. These events can have lifelong impacts on those involved in sexual exploitation, damaging their physical health, reducing their quality of life and reducing their capacity to live free happy and fulfilled lives.

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¹⁹ Protecting Victims: An Analysis of the Anti-Trafficking Directive from the Perspective of a Victim of Gender-Based Violence, European Institute for Gender Equality (EIGE) 2017, p. 7: <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>

²⁰ EIGE 2017 p. 12

²¹ Farley et al. 2003, p. 56

VIOLENCE IN THE SEX TRADE

Prostitution is never a safe space. Despite the arguments of pro-sex trade advocates, legalisation can never remove the harm that is endemic to prostitution.

Prostitution in itself constitutes a form of sexual and gender-based violence against these women who have no other choice.



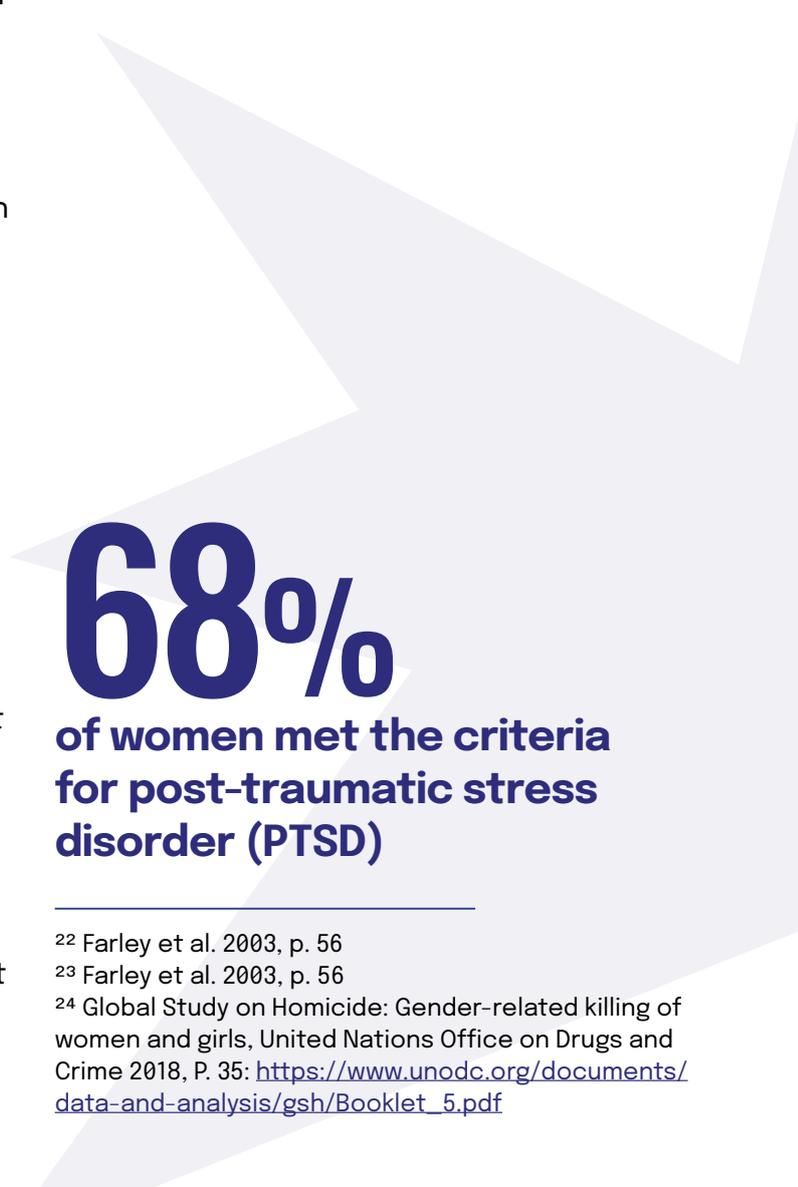
2.A. ENDEMIC VIOLENCE

We know that the vast majority of women in prostitution would escape the sex trade today if they had any other choice. Prostitution in itself constitutes a form of sexual and gender-based violence against these women who have no other choice.

Women who have been trafficked or coerced face violence from their pimps and other actors such as brothel owners, partners, traffickers and authorities. The promotion of rape, incest, choking and pain in mainstream pornography puts women at serious risk of physical aggression and sexual assault from men who buy access to their bodies for sex.

Even other forms of sexual exploitation, such as online camming leave women at risk of blackmail or stalking. A study of 854 women across 9 countries in all settings (street prostitution, indoor brothels, massage parlours and escort services) revealed that **70-95% reported physical assault, 60-70% reported rape and 95% reported sexual harassment.**²² This shows that women in prostitution are never safe from violence, even if they're off the streets or in the more controlled settings of indoor brothels or escort agencies. This same study found that **68% of women met the criteria for post-traumatic stress disorder (PTSD).**²³ When you consider that a single instance of rape can result in anxiety, depression, anger, self-harming behaviour, suicide ideation and PTSD alongside the levels of violence against women in prostitution, it's clear that the sex trade has enormous negative impacts on the women involved.

Exact rates vary, but data sources routinely show a significantly higher mortality rate for individuals in prostitution compared to the average worker, with women in prostitution being at exceptionally high risk of murder. **Studies have suggested that women in prostitution are approximately 18 times more likely to be murdered than women of similar age and race who do not engage in prostitution.**²⁴



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²² Farley et al. 2003, p. 56

²³ Farley et al. 2003, p. 56

²⁴ Global Study on Homicide: Gender-related killing of women and girls, United Nations Office on Drugs and Crime 2018, P. 35: https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf

“Gender-based violence is defined as a form of violence that is directed against a woman because she is a woman and/or that affects women disproportionately and that seriously inhibits the ability of women and girls to enjoy their rights and freedoms on an equal basis with men.”

Advocates for legalisation claim that it will result in a reduction in violence against women. They claim that women's safety will be regulated as in other forms of hazardous employment, effectively shifting responsibility for the consequences of sexual exploitation from those who cause the harm and onto regulators and civil authorities. Data from countries where legalisation has taken place show that this is a failed dangerous experiment with women's lives. Other studies show that women are less likely to report sexual assault in regions where prostitution is legalised, seeing authorities and society as less sympathetic to victims of sexual violence.

2.B. PROSTITUTION AS A FORM OF MALE VIOLENCE AGAINST WOMEN AND GIRLS

According to the Council of Europe, **“Gender-based violence is defined as a form of violence that is directed against a woman because she is a woman and/or that affects women disproportionately and that seriously inhibits the ability of women and girls to enjoy their rights and freedoms on an equal basis with men.”**²⁵ As we know, prostitution relies on gender stereotypes and sex characteristics. It is not a ‘service’, the buyer browses and selects based on the physical characteristics he wants, meaning that in the vast majority of cases, prostitution relies on the presence and compliance of a female body. In prostitution the types of violence that are enacted are also gender specific. As a baseline, this involves sexual violence in the form of rape, and often also includes other forms of violence such as coercion and physical assault. These forms of violence are central to prostitution and the victims of this violence are in prostitution because they are women. These two realities cannot be separated and so the violence that occurs within prostitution can only be described as violence based on gender and sex.

²⁵ EIGE 2017 p. 13

FOR 25% OF MEN, THE CONCEPT OF 'RAPE' FOR WOMEN IN PROSTITUTION IS 'RIDICULOUS'

Sex buyers often do not respect the boundaries of women in prostitution, and do not treat them with respect. **For 25% of men, the concept of 'rape' for women in prostitution is 'ridiculous'.²⁶** A study of buyers in Scotland found that: **22% believe that once they pay, the customer can do whatever he wants; 25% expressed attitudes tolerant to rape; and it was found that buyers who visit prostitutes regularly are more likely to act in a sexually coercive way with women who aren't in prostitution.²⁷**

This data suggests that the imbalance of power between male buyers and women and girls in prostitution means that men are more likely to have feelings of entitlement to do whatever they want, less concern for the prostituted woman and place less weight on the importance of consent. These attitudes are harmful in the context of prostitution and have a broader impact in society too. These views impact the ways in which men interact with women in day to day life, perpetuating a culture of misogyny, and also sends a message to girls that their bodies can be bought and sold, that their sexuality is a commodity, that their consent is not necessary (and

can be waived through payment, regardless of power imbalance or coercive context). Prostitution supports the normalisation of these attitudes. We must act to make sure that society combats these attempts to undermine women's bodily autonomy, equality and well-being, and instead works towards building a society which values women and girls and where all are free from sexual violence and exploitation.

²⁶ Men who buy sex. Who They Buy and What They Know: A research study of 103 men who describe their use of trafficked and non-trafficked women in prostitution, and their awareness of coercion and violence, Melissa Farley, Julie Bindel and Jacqueline M. Golding, Prostitution Research and Education and Eaves, 2009, p. 13: <https://documentation.lastradainternational.org/Isidocs/Mensex.pdf>

²⁷ Prostitutes' Customers: Motives and Misconceptions, M. Monto in R. Weitzer (ed.), Sex for Sale: Prostitution, Pornography and the Sex Industry, second edition, Routledge 2010 p. 233-55.

TRAFFICKING AND PROSTITUTION

Trafficking is an intrinsic part of the sex trade, fuelled by the demand for prostituted women. This demand is stoked by the pimps and traffickers who make enormous profits from sexual exploitation.

With greater movement of people across borders than ever before, trafficking is one of the key challenges facing the world today. Until nobody is exploited within Europe, Europe is not truly equal.

Trafficking is caused by demand for prostituted women, that's why trafficking and prostitution can never be separated.



3.A. HOW COMMON TRAFFICKING IS IN THE SEX TRADE

Trafficking is endemic in the sex trade. **65% of trafficking in the EU is sexual exploitation and 95% of those sexually exploited are women.**²⁸ While not every woman exploited in the sex trade has been trafficked, almost all trafficked women in the EU are in the sex trade. UNODC estimates that as many as **one million women in Europe are involved in prostitution, 1/7 of which are trafficking victims**, amounting to 140,000 women in total.²⁹ Blackmail, threats of violence and trafficking 'debts' are a significant barrier to exiting. Many of these women may be undocumented and in fear of deportation. They may have little or no local language and feel unable to access support, they may be denied access to public funds or may have a poor understanding of the local country's legal system - for example, not knowing the law and fearing that they may be prosecuted for engaging in prostitution, even in countries where prostitution is decriminalised.

There are many challenges to identifying victims of trafficking in general, but narrow legal definitions of trafficking lead to significant challenges in formal identification specifically. Every year, NGOs report that national figures for identification of victims of trafficking fall far short of frontline service estimates. **Globally, the number of identified victims of trafficking has more than tripled since 2003, yet conviction rates have lagged behind, indicating a failure to hold perpetrators accountable.**³⁰ The only way to adequately respond to this challenge is to recognise the complexity of the sex trade, and to take action to combat sexual exploitation as well as trafficking.

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²⁸ Data Collection on Trafficking in Human Beings in the EU, European Commission 2018 p. 18: https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

²⁹ The Globalization of Crime A Transnational Organized Crime Threat Assessment, United Nations Office on Drugs and Crime 2010, p. 49: https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf

³⁰ Global Report on Trafficking in Persons, United Nations Office on Drugs and Crime 2010, p. 63-64: https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

3.B. THE OPPORTUNISTIC NATURE OF THE SEX TRADE

The sex trade is always ready to expand into territories that 'liberalise' laws, making it easier for them to grow their business. The most vulnerable and marginalised by wider society are the very women most likely to be targeted by pimps and traffickers. Whether it's in a small village in Nigeria, on an OnlyFans page in Ireland, or through a website in Lithuania, pimps and traffickers seek out signs of vulnerability (through poverty, migration status, homelessness, addiction, indications of former abuse, helplessness, isolation, etc.) and take full advantage of these to coerce women and girls to entering the sex trade.

In places where prostitution is visible and legal the sex trade grooms all young people as potential sex 'buyers' and 'sex workers'. It exploits people who are vulnerable as a result of poverty and disadvantage and trafficks people from less economically developed countries to serve the increased demand legalisation has created.

According to the Global Data Hub on Trafficking, 90% of victims exploited in Europe (in all forms of trafficking) are citizens of a European country. This points to the difficulty in identifying trafficking victims as they may have the ability to move freely across (or within) European borders.³¹

This is why a cross-border approach is needed, as well as an approach that sends the message that sexual exploitation of any person is not acceptable. The more visible, normalised and deregulated the sex trade gets, the more opportunities there are for pimps and traffickers to expand their business.

The Netherlands have

9

times the amount of people exploited in prostitution than in Sweden, while Germany has

30-40

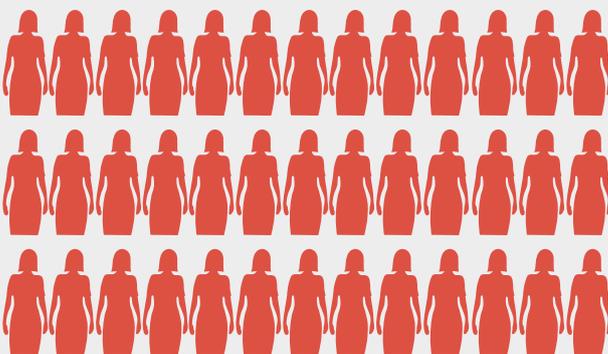
times the amount of people exploited in prostitution



SWEDEN



NETHERLANDS



GERMANY

³¹ <https://www.ctdatacollaborative.org/story/victims-exploited-europe>

3.C. INCREASED DEMAND EQUALS INCREASED TRAFFICKING

Trafficking would not happen without the demand for prostituted women and girls. There is a demand for trafficked women and girls because of the men (buyers) who demand to receive any form of sexual gratification they wish - for a price. This is compounded by the pimps and traffickers who stoke this demand in order to profit from the bodies of women. In that sense, the conditions that allow for prostitution also allow for trafficking - they are inseparable. This is not just a question of legality, but a question of values and the kind of society we want for each and every one of us. Legalising the sex trade will not make trafficking stop, it will make demand for prostituted women grow. We want a society where the most vulnerable are not left open to exploitation and where equality of opportunity is prioritised for all.

In places where prostitution is legal, this demand is higher. For example, adjusted for population **the Netherlands have 9 times the amount of people exploited in prostitution than in Sweden, while Germany has 30-40 times the amount of people exploited in prostitution.**³²

A commercial prostitution industry attracts buyers from other places and encourages men to use prostitutes through advertising and social pressure. New women and girls must constantly be brought in to meet this demand, and this leads to trafficking. **Numbers of trafficking victims has actually increased in the Netherlands compared to other EU countries,** a finding that is corroborated across numerous sources (Cho 2012³³; Marinova and James 2012).³⁴

65%
of trafficking in the EU is
sexual exploitation and

95%
of those sexually
exploited are women.

³² Study on the Gender Dimension of Trafficking in Human Beings, S. Walby et al, European Commission 2016, p. 82: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf

³³ Does Legalized Prostitution Increase Human Trafficking?, Cho et al., London School of Economics 2012: http://eprints.lse.ac.uk/45198/1/Neumayer_Legalized_Prostitution_Increase_2012.pdf

³⁴ The Tragedy of Human Trafficking: Competing Theories and European Evidence, Marinova and James, University of Southern California, 2012: https://www.policeprostitutionandpolitics.com/PDFS_academia_trafficking_related_downloads/Labor_Sex_work_related_Other_Trafficking_issues/2012_The_Tragedy_of_Human_Trafficking_Competi.pdf

THE REVENUE GENERATED BY PROSTITUTION IS ESTIMATED AT \$186 BILLION PER YEAR WORLDWIDE.

3.D. TRAFFICKING AND 'PROSTITUTION BY CHOICE' – A FALSE BINARY

Advocates for legalisation try to distance the commercial sex trade from human trafficking. However, the sex trade relies upon the supply of trafficked, pimped or otherwise exploited women. Forms of exploitation such as pimping may not have the border-crossing element of trafficking, but undoubtedly shares many characteristics. In many cases, trafficking is carried out by force, but this is not the only - or even the most common - method used to traffic individuals into the sex trade. Statistics from the [Global Data Hub on Human Trafficking](#)³⁵ shows that when it comes to sex trafficking, psychological abuse is the most common method of coercion. Individuals are also much more likely to be trafficked for sexual exploitation by an intimate partner, as opposed to trafficking for forced labour. This results in a complex and compromising situation where a woman's intimate partner may also be their pimp, in a way that is not dissimilar to domestic abuse.³⁶

It is also important to understand that the sex trade blends legal and illegal activities, hiding criminality behind a legal veneer. This can make it harder for law enforcement to investigate and root out exploitation.

According to the European Commission Study on the Gender Dimension of Trafficking in Human Beings, “**victims of trafficking for the purposes of sexual exploitation can be difficult to identify in mixed populations of women in prostitution, which include those that are independent as well as those that are coerced.**”³⁷ In countries where prostitution is decriminalised or legalised, many pimps and traffickers will set up 'legal' brothels as fronts for illegal ones. Frontline services often report experiences of girls turning up in a legal brothel at the age of 18 having already had experience in illegal brothels as children. Very often, traffickers and pimps are one and the same. Many pimps at some point will also be 'handling' a trafficked woman.

The reality is, the extent of need for support and justice is the same between those who have been trafficked and those who have not: the only difference is their age, or whether they have crossed a border. The sooner we dissolve this false binary between trafficking and 'prostitution by choice' the sooner we can provide the support exploited women really need.

³⁵ <https://www.ctdatacollaborative.org/story/victims-exploited-europe>

³⁶ Kat Banyard, *Pimp State: Sex, Money and the Future of Equality*, Faber & Faber, 2016, p. 166

³⁷ EIGE 2017, p. 24

3.E. THE ECONOMIC COST OF TRAFFICKING

While primarily a core human rights issue, trafficking not only affects victims and survivors but also bears a high economic cost to society at large. According to the European Commission's Report on the cost of trafficking, this cost is accumulated via: 'extra use of public services including law enforcement, specialised services, health services and social protection; lost economic output; the value of lost quality of life; and the co-ordination of anti-trafficking prevention work.' In monetary terms, this cost is estimated at absolute minimum to be **€337,000 per victim, or €2.7 billion overall per year.**³⁸ These costs are borne by the public, meanwhile, traffickers make enormous profits from the sale of access to trafficked women's bodies. **The revenue generated by prostitution is estimated at \$186 billion per year worldwide.**³⁹

The sex trade is transnational, and it takes advantage of loopholes and differences in the law between different countries. Depending on national laws the sex trade is larger and more visible or smaller, with more or less violence and influence on people's lives, but it is always there; one node of a vast global enterprise supported by a global network of business interests, criminals and lobbyists. A finding from the European Commission states that: 'the diverse legal landscape in the EU fails to effectively contribute to discouraging demand of such services', and the inadequate criminalising of users 'contributes to fostering the crime, including through a culture of impunity'.⁴⁰

That is why a coordinated approach is needed to address trafficking and sexual exploitation effectively. The loopholes must be closed, the cracks in the system must be filled.

³⁸ Study on the Economic, Social and Human Costs of Trafficking in Human Beings Within the EU, European Commission 2020, P. 20: <https://op.europa.eu/en/publication-detail/-/publication/373138c5-0ea4-11eb-bc07-01aa75ed71a1/language-en/format-PDF/source-166581684>

³⁹ Europarl 2014, p. 6

⁴⁰ Report from the Commission to the European Parliament and the Council on the Impact of National Legislation on Trafficking 2016, p. 10: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_impact_of_national_legislation_related_to_thb_en.pdf

MIGRATION AND PROSTITUTION

The sex trade initially targets poor and disadvantaged people within wealthy countries. When that doesn't fulfil demand, they 'recruit' women and girls from economically less developed countries.

Pimps and traffickers exploit the global inequalities that lead to migration. Migrant women make up an average of 84% of women in the sex trade in Europe.



MIGRANT WOMEN MAKE UP 84% OF PROSTITUTED WOMEN IN EUROPE

4.A. TRAFFICKING AND EXPLOITATION OF MIGRANT WOMEN

Migrant women make up between 80-90% of prostituted women in Austria, Ireland, Italy, Luxembourg and Spain; and between 60-75% in Finland, the Netherlands, Belgium, Germany, France, Greece, Denmark and Norway. This equals an average of 84% ⁴¹. The primary reasons women migrate are due to poverty, war, conflict and socio-economic policies that have increased gender inequality and lowered social protection for women.⁴² This means that the majority of women in the sex trade are migrants who are fleeing hardship, suffering trauma, or simply desperate to earn a living by any means necessary in a foreign country. The circumstances of these women, whether in their country of origin or in another country, also leaves them particularly vulnerable to trafficking and exploitation.

Many migrant women in the sex trade are also victims of trafficking. **In the EU, 65% of all human trafficking is for sexual**

exploitation. 95% of those trafficked for sexual exploitation are women.⁴³ On a global scale, restrictive migration policies and limited legal avenues for migrants create a fertile environment where pimps, human traffickers, and migrant smugglers exploit differences between jurisdictions and profit by 'facilitating' movement and migration. UNFPA claims that restrictive immigration policies force people into precarious positions where vulnerable women and girls are easily targeted by traffickers.⁴⁴

⁴¹ Monica O'Connor 2018, p. 18-19

⁴² Economic Causes of Trafficking in Women in the UNECE Region, United Nations Economic and Social Council (UNESCO) 2004: https://unece.org/fileadmin/DAM/Gender/documents/Secretariat%20Notes/ECE_AC.28_2004_10.pdf

⁴³ European Commission 2018 p. 18.

⁴⁴ State of World Population Report, United Nations Population Fund, 2006, p. 31-32: <https://www.unfpa.org/sites/default/files/pub-pdf/sowp06-en.pdf>

Child trafficking is reported as one of the trends that is increasing most sharply in EU Member States.⁴⁵ Data shows that rates of child trafficking are increasing in Europe. A report by EIGE states that humanitarian crises, particularly in zones of conflict and natural disasters, “has caused the rapid increase of refugees arriving in Europe leaving girls and unaccompanied minors particularly vulnerable to trafficking. While there are instances of violence and abduction in trafficking, often women are tricked rather than forced into exploitation. This could be a ‘half truth’ of the promise of a job or a woman who engages the help of others to immigrate illegally could be forced into exploitation en route to a new country. In their new setting, the precariousness of visas and the ability of police and authorities to revoke these means that they are often invisible, isolated, and have little access to protection. The threat of deportation often traps them into prostitution and dissuades them from seeking help.

4.B. INEQUALITY, MIGRATION AND RACISM

Systems of trafficking, exploitation, migration and racism are closely entwined. It is clear that migrant women enter prostitution under adverse circumstances, whether this is through coercion, force or through lack of other opportunities. **In Western Europe, most individuals in prostitution come from central and eastern European or Balkan States such as Romania, which are markedly less affluent, or else from places further afield such as Africa, South America and Asia. In other countries in Europe particular discriminated against ethnic groups, for**

example Roma women, make up the bulk of those abused in the sex trade. There is also a strong racial dimension to sexual exploitation, with ethnic minority women being disproportionately overrepresented in the sex trade. Studies show that this factor is crudely leveraged by the sex trade, which often profiles women based on their ethnicity.

In affluent European countries, particularly in Western and Northern Europe we rarely see citizens of these countries in the sex trade, apart from those who are dealing with extreme adversity, poverty or substance addiction. This demonstrates that the sex trade can only function if it has access to people who have no choice as a result of poverty and disadvantage. Globalisation has increased the movement of people across borders seeking a better life, but it has also increased the exploitation of these individuals - explicitly by pimps and traffickers, and implicitly by the societies who allow migrant women to fulfil the demands of prostitution.

There are currently unequal levels of protection and support for women across the EU due to a fragmented approach. The European Union provides the opportunity to ensure that any response to prostitution takes the significant issue of migration into account. Until migrant women are afforded the same rights and opportunities as all of us, we will not have meaningful gender or social equality.

⁴⁵ EIGE 2017, p. 13-14

CHALLENGES TO REGULATION

In countries where prostitution has been legalised, such as The Netherlands, Germany and New Zealand, exploitation has not stopped and harm has not been reduced. The business of the sex trade actively builds greater demand both domestically and through sex tourism, creating economic dependencies in communities and increasing demand for women and girls.

Once established as a legal enterprise, we have seen that the trade presents impossible challenges to law enforcement in regulating a transnational trade that exploits differences between jurisdictions.



LEGALISATION EFFECTIVELY SHIFTS THE BURDEN OF RESPONSIBILITY FOR THE HARMS OF PROSTITUTION, FROM THOSE WHO CAUSE THE HARM, ONTO LOCAL AUTHORITIES AND REGULATORS

5.A. GROWTH OF THE SEX TRADE

Put simply, legalisation of prostitution results in growth of the sex trade and an increase in harm to individuals and inequality in society. Adjusted for population **the Netherlands have 9 times the amount of people in prostitution than in Sweden, while Germany has 30-40 times the amount of people in prostitution.**⁴⁶ This is the result of creating demand among local men and boys through advertising, the normalisation of prostitution and 'sex work' through media and the influx of sex tourists. As a result of these impacts, Amsterdam's famous red light district is set to be [moved](#) from the city centre due to extensive lobbying by local groups.

In Germany, women are warehoused in mega-brothels in grim and isolated industrial locations, allowing men from all over Europe to visit with maximum privacy and convenience for the men. Aside from

the conditions within these brothels, allowing for 'shop-windows' and multi-story brothels where women can be assessed and purchased sends a message that women are products to be purchased, and that buying sex is normal and acceptable. Deals where women can be bought at a flat rate, including a beer and a burger, are dehumanising and represent the worst consequences of commodifying women's bodies.

⁴⁶ Walby et al. 2016 p. 82

5.B. EXPLOITATION HIDING IN PLAIN SIGHT

Legalisation effectively shifts the burden of responsibility for the harms of prostitution, from those who cause the harm, onto local authorities and regulators. According to a report on managing the sex trade in the Netherlands: “the screening of brothel owners and the monitoring of the compliance of licensing conditions do not create levels of transparency that enable sex trafficking to be exposed. The prostitution business retains many characteristics of an illegitimate market and the legalization and regulation of the prostitution sector has not driven out organized crime. On the contrary, fighting sex trafficking using the criminal justice system may even be harder in the legalized prostitution sector.”⁴⁷ This aligns with data on the challenges inherent in the regulation of a legal, or fully decriminalised sex trade. Legal loopholes and gaps in enforcement are exploited at every turn by pimps, traffickers and brothel owners in order to circumnavigate curbs to their business interests – which is to sell as much ‘product’ as possible, as efficiently as possible. Legal fronts for brothels enable pimps and traffickers to hide behind a veneer of legality, while reducing the rights and capacity of law enforcement to investigate their activities.

Expensive regulation procedures for legal brothels and the lure of cheap labour from trafficked and undocumented women mean that there are still numerous illegal brothels in countries where prostitution is legal. Furthermore, **pimping and trafficking still takes place in areas where prostitution is legal**⁴⁸, and providing sexual services in brothels doesn’t give women much

protection from exploitation. **95% of those in prostitution in the Netherlands are “self-employed” and rent rooms in brothels.**⁴⁹ This means that brothel owners do not provide them with employee protections, and instead, often exploit them in another way with extortionately high rents, meaning they must see multiple men every day in order just to earn enough to pay the rent. Brothel owners take their money without providing them with safety or protection. **Brothel owners themselves have said that they don’t have the skills to check whether women are being exploited or abused**⁵⁰ when they come to their brothels. In other words, they don’t take responsibility for the women in their establishment. They simply don’t care.

95%
of those in prostitution
in the Netherlands are
“self-employed” and
rent rooms in brothels

⁴⁷ The Challenges of Fighting Sex Trafficking in the Legalized Prostitution Market of the Netherlands, Huisman and Kleemans in Crime Law and Social Change 2014, p. 2: https://www.researchgate.net/publication/260493897_The_challenges_of_fighting_sex_trafficking_in_the_legalized_prostitution_market_of_the_Netherlands

⁴⁸ Between Visibility and Invisibility: Sex Workers and Informal Services in Amsterdam, Verhoeven, M. & B. Van Gestel, Feminist Economics 23(3) 2017 p. 110–33: <https://www.tandfonline.com/doi/abs/10.1080/13545701.2016.1195002>

⁴⁹ Walby et al. 2016, p. 103

⁵⁰ Walby et al. 2016, p. 112–113

Brothels that can't access women locally turn to traffickers to supply women and girls to meet men's demand. Scandals such as the conviction of Jürgen Rudloff,⁵¹ owner of the Paradise chain of brothels, for trafficking and fraud is just one illustration of this in practice. However, many brothel owners may simply claim they were 'unaware' of exploitation, trafficking, or underage girls on their premises, and thus evade prosecution. No system exists that can adequately separate exploited women from those engaged in a brothel 'by choice', when exploitation comes in so many different forms (for example, trafficking or coercion by a 'boyfriend' are both forms of exploitation that may present very differently). This is especially true when women themselves are often reluctant to speak out through debt, fear of reprisals, or distrust of law enforcement.

In legal or fully decriminalised regimes, sexual coercion is still common. In New Zealand, where prostitution is legal, over one third of women still felt they had to accept a client when they didn't want to.⁵² In every country, prostitution operates through booking websites where browsing and 'reviewing' women is encouraged. If a woman doesn't do what the buyer wants, for example acquiescing to sex acts she is not comfortable with or finds degrading, he is likely to leave her a bad review. Bad reviews mean that an economically vulnerable woman will be put under even more pressure. This is another form of coercion that results in many women doing things they don't want to do.

BROTHEL OWNERS THEMSELVES HAVE SAID THAT THEY DON'T HAVE THE SKILLS TO CHECK WHETHER WOMEN ARE BEING EXPLOITED OR ABUSED

⁵¹ Fondation Scelles 2018: <http://www.fondationscelles.org/en/news/264-condamnation-de->

⁵² The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers, Report to the Prostitution Law Committee, Abel, G., L. Fitzgerald & C. Brunton, Department of Public Health and General Practice, University of Otago, Christchurch 2007, p. 116: <https://www.otago.ac.nz/christchurch/otago018607.pdf>

5.C. PUBLIC HEALTH AND PROSTITUTION

The argument is often made that legalising prostitution would mean that sex buyers would be forced to wear condoms, and that women in prostitution would feel empowered enough to successfully negotiate safe sex with the buyer. However, in all prostitution regimes sex buyers still want to have sex without a condom. This 'service' is usually offered by pimps or brothel owners because sex buyers are willing to pay more for it. Even in one-on-one negotiations between sex buyers and prostituted women, the promise of more money for sex without a condom is hard to decline (not to mention the coercion or threats of violence that are also prevalent). These are women who need money, who may be tempted to put themselves at risk out of desperation. They may face threats or violence from pimps or brothel owners for angering a sex buyer. Individual women may be under the influence of drugs or alcohol, as many self-medicate to numb the pain of prostitution. There are many reasons why it might be difficult for a woman to refuse. Fundamentally, the power imbalance that results from the sex buyer having money, and the individual in prostitution needing it, is what prostitution is predicated on, and the same logic extends to specific sex acts. Money gives the sex buyer all the power making consent meaningless.

Effective resourcing to support health and exit services for those affected by prostitution are most likely to be provided in societies that recognise the harm, trauma and violence that is intrinsic to prostitution and all forms of sexual exploitation. A country that sees prostitution as a 'job like any other' will not have the impetus to provide budgetary supports to adequately meet the severe support needs of those in or exiting prostitution in their countries. The impact of prostitution is lifelong, and often so too are the support needs.

THE EQUALITY MODEL

Prostitution policies should be based on evidence, principles of justice and equality, and representation of all victims and survivors.

We have outlined the exploitative and violent nature of the sex trade, the intersecting forms of disadvantage that lead to sexual exploitation and the myriad challenges in regulating an industry that consistently evades regulation and transparency and leverages the gaps in our international systems of law enforcement. We now must decide the way forward.



We have the opportunity to stand up for a fairer world that respects women's desires, puts an end to international organised crime and prioritises the needs of those directly affected by the sex trade no matter where they are in Europe. **The Equality Model provides an opportunity to enshrine these values in EU law.**

6.A. THE CASE FOR EU ACTION

CEDAW Article 6 states that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”⁵³ This is supported by **General Recommendation number 38**⁵⁴ which states that Article 6 is not upheld due to “a lack of appreciation of the gender dimensions of trafficking overall and in particular, trafficking in women and girls who are exposed to different types of exploitation, including sexual exploitation,” and recommends an approach to sexual exploitation that explicitly takes into account gender as a major factor and involves a suitably gender-specific response.

Within the **Istanbul Convention**, prostitution is acknowledged as a factor making women and girls vulnerable to violence. Evidence demonstrates that prostitution is inherently harmful and violent, given that the majority of women in the sex trade have experienced rape, harassment and post-traumatic stress disorder.

Yet, no harmonised action at EU level exists to ensure adequate protection of women's right to live a life free from violence, sexual exploitation and the fear

of violence, no matter where they live in the EU. Indeed, major discrepancies exist between European countries regarding legal and practical actions to fight violence and intimidation against women and girls. It is imperative that EU legislation equally and fully protects all women in Europe from all forms and threats of violence wherever they live.

This is not only a human rights obligation, it is also a legal obligation as per the **EU treaties (Art. 2)** and the **European Charter on Fundamental Rights**.

Furthermore, the fundamental Treaties of the Functioning of the **EU Article 83.1** includes “trafficking and sexual exploitation of women and children.” Legislative action has been taken to combat trafficking, and sexual exploitation of children, but the sexual exploitation of adult women remains a gap in realising means to tackle this legally recognised international crime. While there is an Anti-Trafficking Directive and a Directive on Child Exploitation and

⁵³ Convention on the Elimination of All Forms of Discrimination against Women, 1981, p. 3: <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

⁵⁴ General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, p. 3: <https://reliefweb.int/report/world/general-recommendation-no-38-2020-trafficking-women-and-girls-context-global-migration>

Pornography, there is no EU legislative action combatting the sexual exploitation of adult women, even though it is a recognised Eurocrime. Article 83.1 mentions crimes with a significant “cross-border dimension” that “needs to be combated on a common basis at the EU level”, a criterion that prostitution and trafficking for the purposes of sexual exploitation undoubtedly fulfils.

In order to address the direct violence and harm of prostitution, we must call on the European Institutions to include commercial sexual exploitation in the scope of legislative action to ensure the full continuum of VAWG is tackled, and to act on the recognition that sexual exploitation against women is a Eurocrime that must be tackled consistently throughout the EU.

A comprehensive Directive at EU level must build on the Istanbul Convention and existing international human rights instruments and provide some specific provisions on online violence and sexual exploitation. This may include provisions on stalking, sexual harassment, sexist hate speech, so-called “revenge porn”, and all forms of sexual exploitation, carried out through online or offline tools.

In light of the most recent jurisprudence of the European Court of Human Rights,⁵⁵ which has considered so-called “forced prostitution” as disentangled from human trafficking falling under **Article 4 of the European Convention on Human Rights**, sexual exploitation must be defined in the EU legal framework as: Sexual exploitation is a form of male violence against women which consists in the commercialisation of a woman’s body for obtaining of financial or other benefits through the involvement

of another person in prostitution, sexual servitude or other kinds of sexual (or reproductive) services, including pornographic acts or the production of pornographic materials. It results in physical and psychological harm, and to this definition the absence of consent should be considered as presumed. The absence can derive from force or other coercive circumstances – also including financial constraints. This definition is based on the definition of child sexual exploitation as given in the already existing EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography, thus ensuring a clear legal basis also recognising the criminal aspect of all forms of sexual exploitation and abuse as per TFEU Article 83.1, regardless of age.

6.B. A HOLISTIC RESPONSE TO PROSTITUTION

The Equality Model is a solution to prostitution that prioritises equality along the lines of gender and socio-economic status. It takes into account the intersecting forms of disadvantage and exploitation that drives women into the sex trade and entraps them within its harmful system. **The Equality Model was approved as the best model to address prostitution by a European Parliament Resolution in 2014⁵⁶ and by The Council of Europe in 2014.⁵⁷**

⁵⁵ S.M. v. Croatia, Appl. No 60561/14, ECtHR, 25 June 2020, Grand Chamber

⁵⁶ Parliamentary Assembly 2014: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20716>

⁵⁷ Council of Europe 2014: https://www.europarl.europa.eu/doceo/document/A-7-2014-0071_EN.html?redirect

THE EQUALITY MODEL WAS APPROVED AS THE BEST MODEL TO ADDRESS PROSTITUTION BY A EUROPEAN PARLIAMENT RESOLUTION IN 2014 AND BY THE COUNCIL OF EUROPE IN 2014

THE KEY PILLARS OF THE EQUALITY MODEL ARE:

- Decriminalise individuals selling sexual acts
- Set up counselling, health and exit programmes
- Criminalise the purchase of sexual services
- Criminalise profiting from sex of others
- Ban the advertising of sexual services
- Raise awareness of respectful, gender-equal and violence-free sexuality

A holistic approach is necessary to counteract the complex factors that lead to exploitation. This is about providing solutions to the root causes of exploitation and creating the framework for long-term change. This is not about quick fixes, or about enabling prostitution as an imperfect 'solution' to women's poverty. The Equality Model is a response to prostitution that

prioritises the needs of the majority, and the needs of the most marginalised - not the desires of men or the interests of big business. It is also important to note that the Equality Model is not just a legal framework, but a way of sending a message to society that women are not made to be bought or exploited, and that true equality is something worth working for.

WHY THE EQUALITY MODEL?

- 
- **It supports freedom of the individual** - Respects and decriminalises individuals in prostitution
 - **It supports freedom to change** - Enables people who choose to leave prostitution
 - **It supports freedom of choice** - Supports people who don't want to enter prostitution
 - **It enables freedom from slavery** - Empowers victims of trafficking and coercion to escape
 - **It enables freedom from exploitation** - End culture of commodification and objectification of women's bodies
 - **It supports full and free consent** - Support an individual's continuous control and power to refuse sex

6.C EVIDENCE IN FAVOUR OF THE EQUALITY MODEL

Evidence has shown that the Equality Model is effective in reducing the demand for paid sex. **In Sweden, the buying of sex has long been on the decline,⁵⁸ the same goes for Norway since the implementation of the Equality Model in 2009⁵⁹ and a 2018 report from France (which introduced the Equality Model in 2016) also points to a reduction in men buying sex.⁶⁰** While this reduced demand has often been a source of ire for pro-sex trade lobbyists who state that reducing demand reduces the much needed income of those in prostitution, the Equality Model can provide alternatives in the form of welfare, education and training opportunities. It is a transition that must be made with high levels of support now, but one which will yield benefits in the future for both individuals and society at large. It is vital that we do not lose perspective by elevating misleading short term concerns above our overall goals. The Equality Model takes the long view on prostitution - reducing demand does not just reduce the market for paid sex today, it removes the incentive for the next generation to exploit others into prostitution.

Contrary to statements from pro-prostitution lobbyists, **there is no evidence to suggest that the Equality Model has led to increased violence against women in prostitution⁶¹.** Research produced by Nordic Model Now, shows that there were 43 murders of prostituted women, primarily by pimps and sex-buyers in Spain, where prostitution is completely decriminalised, over an eight-year period up to 2018. In

Germany, where it is legal and regulated, there were 91 murders and 48 attempted murders of persons in prostitution by sex-buyers and pimps in a sixteen-year period. However, in Sweden, there was **only one murder of a person in the sex-trade in the nineteen years since the introduction of the Equality Model⁶².** Stating that the Equality Model drives prostitution 'underground' and therefore makes it more dangerous ignores the fact that prostitution must always be accessible to the ordinary middle-class men who use prostituted women (and who are not part of any imagined 'underworld' of sex buyers); it ignores that overall harm accumulates when there are greater numbers of individuals in prostitution (as we see in legalised regimes); and it ignores that violence from pimps, traffickers and punters is an intrinsic part of the sex trade that can never be regulated out of existence. We must ignore these myths and look at the evidence that shows that the Equality Model is the best way forward to end harm against the most vulnerable in the sex trade, and to ultimately end sexual exploitation.

⁵⁸ Swedish Government Offices (Statens Offentliga Utredningar) (SOU) 2010. Forbud mot köp av sexuell: En utvärdering 1999–2008 [Prohibition of the Purchase of Sexual Services: An Evaluation 1999–2008, p. 7-8: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf

⁵⁹ *Evaluation of Norwegian legislation criminalising the buying of sexual services* (English summary) Rasmussen et al. 2014: <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>

⁶⁰ A Study on the Impact of the Law from 13 April 2016 Against the 'Prostitution System' in France, La Bail and Giametta 2018: <https://www.medecinsdumonde.org/sites/default/files/ENGLISH-Synthese-Rapport-prostitution-BD.PDF>

⁶¹ SOU 2010, p. 33

⁶² Nordic Model Now : <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

6.D. RECOMMENDATIONS

EU legislative action is urgently needed to support the thousands of women affected by sexual exploitation daily and to respect the EU's core values:

- The resulting legislation should be part of **a comprehensive EU legal framework tackling the full continuum of male violence against women and girls, with a Directive to prevent and combat all forms of violence against women and girls** as its cornerstone.
 - This legislation must have **an end-demand at its core**, ie tackling buyers as well as pimps and traffickers, as per the Anti-Trafficking Directive and being comprehensive in tackling all forms of sexual exploitation and abuse as per the Directive on Child Sexual Exploitation and Pornography.
 - The Directive must also **seek and foresee harmonisation of all existing and upcoming EU laws relative to male violence against women and girls**, including those mentioned above. As harmonising legislation, it is of utmost importance the Directive is the point of reference on how to address specific forms of violence and the responses to them.
 - The Directive should update the Anti-Trafficking Directive to give a minimum standard of **criminalising the payment for a sexual act** from a victim of trafficking (including removal of the term “knowingly”).
- We propose the law includes as the legal **definition** of sexual exploitation: “sexual exploitation is a form of gender-based violence against women and girls which consists in the commercialisation of a woman’s body for obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual (or reproductive) services, including pornographic acts or the production of pornographic materials. It results in physical and psychological harm.” To this definition the absence of consent is recognised.

We can only close down the international sex trade through international action. We can finally end the historic injustice of men buying, selling or renting women’s bodies. Join us, and ensure that we work together to end sexual exploitation in Europe.

The Brussels' Call is a collaboration of dozens of Members of the European Parliament and more than 200 civil society organisations, working together to combat violence against women and girls through seeking to end the system of prostitution. Founded in 2012 by the European Women's Lobby, Foundation Scelles and Movement du Nid, we are committed to working at international, European, Member State and local level to achieve the abolition of prostitution while ensuring accountability of procurers and sex buyers and effective supports are provided to those directly affected.

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The European Women's Lobby (EWL) brings together the women's movement in Europe to influence the general public and European Institutions in support of women's human rights and equality between women and men. We are the largest European umbrella network of women's associations representing a total of more than 2000 organisations in all EU Member States and Candidate Countries, as well as 18 European-wide organisations representing the diversity of women and girls in Europe. EWL envisions a society in which women's contribution to all aspects of life is recognised, rewarded and celebrated - in leadership, in care and in production; all women have self-confidence, freedom of choice, and freedom from violence and exploitation; and no woman or girl is left behind.



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