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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Institute of Sustainable Development, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2024]

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\* Issued as received, in the language of submission only.



## **Prostitution and Violence Against Women**

### **Introduction**

Violence against women includes physical, sexual, psychological, or economic violence and can take many forms, such as harassment, stalking, rape, domestic violence, forced sterilisation and prostitution. It manifests itself in a variety of situations, including in family and intimate relationships, in the workplace, in public spaces and online.

Prostitution has much in common with other types of violence against women. What incest is to the family, prostitution is to the community. Prostitution is largely tolerated by society and its consumers are socially invisible. Despite the illogical attempt by some to distinguish between prostitution and human trafficking, human trafficking is simply the global form of prostitution. Sex trafficking can take place within or across international borders, so women can be trafficked either domestically or internationally, or both. Young women are trafficked -- and sold -- from the countryside to the city, from one neighbourhood to another and across international borders wherever there are customers. There is certainly an urgent need to address the psychological needs of women during prostitution and after their escape. The acceptance of prostitution is one of many harmful attitudes that promote and justify violence against women. Acts of violence against women are linked to attitudes that promote men's belief that they have a right to sexual access to women, that they are superior to women and that they are allowed to be sexual aggressors

Prostitution and human trafficking are the experience of being persecuted, dominated, sexually harassed and assaulted. Regardless of the status of prostitution (legal, illegal or decriminalised) or the place where it takes place, prostitution is extremely dangerous for women.

### **European Union and Legal Prostitution**

Legislation can unintentionally create opportunities for (organised) criminal activity. Certain types of regulation can encourage criminal activity by making a particular market (legal or illegal) more vulnerable to organised crime. In this sense, legislation can unintentionally trigger crime waves. Human trafficking is a much bigger problem in countries that have legalised or 'normalised' the sex trade than in countries that have adopted the Nordic model, where the sex buyer is criminalised and the prostituted person is decriminalised and helped out of prostitution.

In some European countries, prostitution is considered a profession (sex work) and is therefore legal and regulated. In some countries, although it is legal and regulated, it has been defined in the Civil Code as an offence against public decency and morality. As a result, contracts for sexual services were legally void and prostitution was legal but not regulated. Clients in the EU often seek foreign prostitutes who are widely available on the markets of EU member states. Trafficking in women shapes demand and demand itself in turn affects the sex trade, in terms of the volume and characteristics of women.

The greater the asymmetry between national prostitution laws within the EU (with countries where prostitution is legal and countries where it is illegal and where demand for prostitution is criminalised), the greater the prevalence of sex tourism within EU Member States (geographical displacement of demand for prostitution). Clients can choose to move from their countries where buying prostitution is a crime to countries where buying sexual services is not a risk. There is evidence of this geographical relocation of clients.

The regular profile of a victim of trafficking is a young woman who has been promised a good salary, a work permit and reimbursement of travelling expenses by an agent in her home country. The reputation of some European countries, which present themselves as champions of women's rights and as democratic countries with a good human rights record, inspires confidence in many women from Eastern Europe.

The legal definition of prostitution in these countries is “the act of selling sex”. The buyer is invisible, both in legislation and in the public consciousness. Human trafficking is on the rise, but the assumption is that these women from their tiny villages in Senegal, Hungary, the Dominican Republic, Thailand or Ukraine somehow find these cities on a map and flock here to work in the sex trade. These countries have some of the strictest immigration and labour laws in the world, but these women, it seems, miraculously manage to get a "work" permit and then prefer prostitution to any other possible source of income.

### **Recommendation**

Laws that justify the legalisation or decriminalisation of prostitution on the grounds of protecting women’s health do not address the psychological harms of prostitution. Although the traumatic effects of rape and other violence on women who are not involved in prostitution are well known, the same trauma is not sufficiently recognised in women in prostitution. Women who experience rape due to coercive tactics such as abuse of authority, arguments or social pressure are just as likely to suffer from depression and PTSD as women who have been raped due to violence and threats of violence.

It is a cruel lie to claim that legalisation would protect all those involved in prostitution. There is ample evidence that prostitution, regardless of its legal status, causes great harm to women. Prevention, coordination, victim protection, victim support and access to justice are the most important keys to eradicating and combating prostitution. We call on the Human Rights Council to remind all its member states that in order to combat the negative impact of prostitution on women and children, they must

- implement awareness-raising campaigns, education and research, measures to combat gender stereotypes, specific steps to prevent cyber-violence, mandatory training for professionals who come into contact with victims
- address the (social, economic and cultural) causes of prostitution by supporting Member States in the fight against female poverty, social exclusion and discrimination.
- Establish a special fund for Deprived Women; forms of social support, including higher social benefits and minimum wages for poor women
- Conduct regular standardised self-reporting of prostitution clients.