



**Her
Future
is Equal**

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Her Future is Equal

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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.

1 Inequality and prostitution

The sex trade is a product of different forms of inequality - sex, social and economic inequality. Allowing it to continue in Europe exacerbates these inequalities. 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 of 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

Sex is the first differentiating factor for those in prostitution. **In Europe, 90% of prostituted people are women and girls,¹ and according to some studies, 97% of sex buyers are men.²** For women, their sex and other intersecting challenges are what result in them being targeted for sexual exploitation, by violence or by economic coercion. Women are at greater risk of experiencing many forms of disadvantage due to deep and structural inequalities between women and men, girls and boys, and lack of other opportunities, as well as gender-specific vulnerabilities such as: poverty, strain from caring for others (for example, an ill parent), maltreatment, homelessness, prior sexual abuse, emotional abuse, parental substance abuse, early lone parenthood and family dislocation.³

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 Monica O'Connor, *The Sex Economy*, Agenda Publishing 2018 p. 23-24

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.**⁴ Age is a significant factor in prostitution as we know that many girls become sexually exploited while still in their teens. In Europe, an estimated **75% of prostituted girls and women are between 13-25 years old**⁵. These teenage girls 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 prostitution.

Some women 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, where the woman is broken down by physical or emotional abuse by a partner so that he can exercise control over her.

While the commercial sex trade markets itself to young women as a "lucrative, glamorous and fun" way to make money, the vast majority of women become trapped in prostitution precisely because of a lack of choices. These are women who have been trafficked against their will from another country. Girls who are underage 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 forces them to sell access to their body. They may be dealing with substance abuse issues, unresolved trauma, or homelessness. While every story is

⁴ 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

⁵ Europarl 2014, p. 6

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.⁶ 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 or other foreign women brought in from abroad, residency status and other issues such as lack of education, skills, and language barriers make it very difficult to find alternative employment. 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 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

⁶ Farley et al 2003, p. 56

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 harms of trafficking for sexual exploitation as gender-specific, including “vaginal injuries, increased risk of sexually transmitted diseases and HIV, forced pregnancies, high rates of post-traumatic stress disorder, anxiety and depression.”⁷ 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.”⁸

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 harassment**⁹. This indicates that negative health outcomes are applicable to all those who are exploited in prostitution and who must endure repeated unwanted sex with multiple people, coercion to engage in sex without a condom,

⁷ 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>

⁸ EIGE 2017 p. 12

⁹ Farley et al. 2003, p. 56

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 move on from their experiences in prostitution and into a life free of sexual exploitation.

REAL CHOICE MEANS FREEDOM NOT TO BE BOUGHT OR SOLD FOR SEX

9 out of 10 women in prostitution have said that they would leave it if they could.

(Farley 2003)

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2 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.

2.a. Endemic violence

Prostitution puts women at serious risk of violence. Women who have been trafficked or coerced face violence from their pimps. Women also face violence and rape 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.**¹⁰ 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).**¹¹ 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.

¹⁰ Farley et al. 2003, p. 56

¹¹ Farley et al. 2003, p. 56

Exact rates vary, but data sources routinely show a significantly higher mortality rate for individuals in prostitution compared to the average person in employment, with women in prostitution being at exceptionally high risk of murder.¹² In any actual job, any risk of violence whatsoever would be considered unacceptable. Advocating for legalisation in the hope that the risk of violence will be 'lower' is still unacceptable. Any risk of violence against women is too big a risk.

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."**¹³ As we know, prostitution relies on gender and sex characteristics - it is not a 'service', like care work or massage that at least in theory can be performed by anyone. As well as the fact that it relies on the physical characteristics of women, 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 therefore the violence that occurs within prostitution can only be described as violence based on gender and sex.

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**

¹² 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

¹³ EIGE 2017 p. 13

in prostitution is 'ridiculous'.¹⁴ A study of buyers in Scotland found that: 22% believe that once they pay, the customer can do whatever he wants; 12% believed rape was not possible/does not apply in the context of prostitution; 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.¹⁵

This data demonstrates 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 sex, 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). Contrary to sex trade misinformation, prostitution is not an expression of sexuality on behalf of the person selling sex, but always, by definition, catering to the appetite of the buyer, who uses women's bodies in order to enact the most harmful forms of sexuality rooted in violence, degradation and abuse. 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.

¹⁴ 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>

¹⁵ 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.

REAL CONSENT CANNOT BE BOUGHT

"So the man came and the man took me, and I tell the man I was scared this time and he said he was not going to hurt me that he is only doing what he's paying for"

(survivor of prostitution: Women's Studies International Forum 2017)

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3 Trafficking and prostitution

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.**¹⁶ 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.¹⁷ 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, 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.

While these victims of trafficking should therefore be easily recognisable, narrow legal definitions of trafficking lead to significant challenges in formally identifying them. Every year, NGOs report that national figures for identification of victims of trafficking fall far short of frontline service estimates. **Globally, the conviction rate has almost tripled since the year 2003. However, each country on average reported approximately 13 victims of trafficking per 100,000 population, which is more than triple the number of victims recorded in 2003.**¹⁸ The only way to adequately respond to this challenge and recognise the complexity and

¹⁶ 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

¹⁷ 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

¹⁸ 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

interconnectedness of the sex trade is through action to combat sexual exploitation as well as trafficking.

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 punished 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 'sex work' is normalised and accepted the sex trade grooms of young people as 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 they have created.

This is why a cross-border approach is needed, as well as an approach that sends the message that prostitution 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".

3.c. Increased demand equals increased trafficking

Trafficking would not happen without the demand for prostituted women and girls. Trafficking happens because men can profit from the bodies of women and girls, and other men can receive any form of sexual gratification they wish - for a price. 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.

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.**¹⁹ 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 2012²⁰;Marinova and James 2012).²¹

3.d. Trafficking and 'prostitution by choice' – a false binary

Full decriminalisation lobbyists try to distance the commercial sex trade from human trafficking. However, evidence shows that the movement of vulnerable people is commonplace throughout the European Union in all countries that accommodate the sex trade. 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](#) 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 by an intimate partner in sex trafficking, as opposed to trafficking for forced labour. This

¹⁹ Study on the Gender Dimension of Trafficking in Human Beings, S. Walby et al, European Commission 2016, p. 82:

[https://ec.europa.eu/anti-](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)

[trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)

²⁰ 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

²¹ 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

results in the anomaly of 'prostitution by choice' where many women are coerced into the sex trade by their pimp, often in a way that is not dissimilar to domestic abuse.²²

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."**²³ 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.

3.e. The economic cost of trafficking

While primarily a core human rights issue, trafficking also bears a high economic cost to society. According to the European Commission's Report on the cost of trafficking, this cost is accumulated via: 'extra use of public services including law

²² Kat Banyard, *Pimp State: Sex, Money and the Future of Equality*, Faber & Faber, 2016, p. 166

²³ EIGE 2017, p. 24

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 can equal as much as **€337,000 per victim, or €2.7 billion overall per year.**²⁴ 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.**²⁵

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’.²⁶ **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.**

²⁴ 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>

²⁵ Europarl 2014, p. 6

²⁶ 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

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%²⁷. 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.²⁸ 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.

4.a. Trafficking and exploitation of migrant women

Many migrant women in the sex trade are victims of trafficking. **In the EU, 65% of trafficking is sexual exploitation and 95% of those exploited are women.**²⁹ On a global scale, restrictive migration policies and limited legal avenues for migrants create a context in which pimps, human traffickers, and migrant smugglers profit by 'facilitating' movement and migration. UNFPA claims that these

²⁷ Monica O'Connor 2018, p. 18-19

²⁸ 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

²⁹ European Commission 2018 p. 18.

restrictive policies force people into precarious positions where vulnerable women and girls are easily targeted by traffickers.³⁰ This is particularly concerning as we know 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. **Child trafficking is reported as one of the trends that is increasing most sharply in EU Member States.**”³¹

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 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 ethnic groups, for example, Roma women, make up the bulk of those in the sex trade in that country. This is a result of economic inequality and there is

³⁰ 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>

³¹ EIGE 2017, p. 13-14

also a strong racial dimension to sexual exploitation, with ethnic minority women being disproportionately overrepresented in the sex trade. This is also crudely leveraged by the sex trade, which often 'advertises' women based on their ethnicity.

In affluent European countries, particularly in Western and Northern Europe we rarely see 'natives' of these countries in the sex trade, apart from those who are dealing with extreme adversity, poverty or substance addiction. This makes it clear that the sex trade has been 'outsourced' to those who have few other opportunities for making a living. 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 are happy to allow migrant women to do the 'dirty work' of prostitution, while keeping the benefits of social protection, economic opportunity and gender equality for themselves. There are currently unequal levels of protection and support for women across the EU due to a fragmented approach. We must 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 true gender or social equality.

5 Challenges to regulation

In countries where prostitution has been legalised, such as The Netherlands, Germany and New Zealand, exploitation has not stopped. The business of the sex trade creates demand from locals and sex tourists alike that can be very difficult to break, and presents numerous challenges to law enforcement in regulating a transnational trade that exploits differences between jurisdictions.

5.a. Growth of the sex trade

As we know, permissive laws on prostitution allow the sex trade to grow bigger. 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.**³² 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. In places where prostitution is legal and visible, overwhelming levels of tourism (particularly from sex tourists) have damaged public infrastructure and decreased quality of life for residents. Even Amsterdam's famous red light district is set to be [moved](#) from the city centre due to extensive lobbying by local groups. Meanwhile, in Germany women are warehoused in mega-brothels in grim and isolated industrial locations, allowing men from all over Europe to visit with maximum discretion and convenience to 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

³² Walby et al. 2016 p. 82

burger, are dehumanising and represent the worst impulses of big business, enacted on the bodies of women.

5.b. Exploitation hiding in plain sight

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.”**³³ This aligns with what we know regarding 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 of course, to sell as many women 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**³⁴, and providing sexual services in brothels doesn’t give women much protection from exploitation. **95% of those in prostitution in the Netherlands are “self-**

³³ 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

³⁴ 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>

employed” and rent rooms in brothels.³⁵ 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**³⁶ 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.

Brothels often can’t find women willing to ‘work’ there and so turn to traffickers to supply women to meet men’s demand. Scandals such as the conviction of Jürgen Rudloff,³⁷ 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. There is no system in place that can adequately separate exploited women from those working there ‘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), and 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.³⁸ In every country prostitution activities are often conducted via the internet where leaving “reviews” for women is common. If a woman doesn’t do what the buyer wants, for example, agreeing to sex acts she is not comfortable with or finds degrading, he is likely to leave her a bad review.

³⁵ Walby et al. 2016, p. 103

³⁶ Walby et al. 2016, p. 112-113

³⁷ Fondation Scelles 2018: <http://www.fondationscelles.org/en/news/264-condamnation-de->

³⁸ 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>

Bad reviews mean that the woman will get less custom and therefore less income. This is another form of coercion that results in many women doing things they don't want to do in order to keep getting 'customers'.

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 - why? Because sex buyers are willing to pay more for it. Even in one-on-one negotiations with sex buyers and prostituted women, the promise of more money for sex without a condom is hard to say no to (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 be reprimanded by pimps or brothel owners for angering a sex buyer. They may be under the influence of drugs or alcohol, as many women 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.

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.

6 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. How do we do this? **By introducing the Equality Model into EU law.**

6.a. The case for EU action

In light of the most recent jurisprudence of the European Court of Human Rights, which has considered forced prostitution disentangled from human trafficking falling under **Article 4 of the European Convention on Human Rights**, we can define sexual exploitation thus: 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 is the definition we use as we lay out the legal precedents for action on sexual exploitation.

Harmonised action at EU level is urgently needed to ensure adequate protection of women's right to live a life free from violence 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**.

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. 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 even go further than the Istanbul Convention, providing for example 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 forms of sexual exploitation - essentially all crimes carried out against women online because they are women.

Furthermore, **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.”³⁹ This is supported by **General Recommendation number 38**⁴⁰ 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.

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 the means to tackle this legally recognised international crime. While there is an Anti-Trafficking Directive and a Directive on Child Exploitation and Pornography, there is no EU legislative action combatting the sexual exploitation of adult women, even though it is a recognised Eurocrime. Article 83.1 also mentions crimes with a significant “cross-

³⁹ Convention on the Elimination of All Forms of Discrimination against Women, 1981, p. 3:
<https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

⁴⁰ 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>

border dimension”, a criterion that prostitution and trafficking for the purposes of sexual exploitation undoubtedly fulfils.

6.b . An integrated 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 2014⁴¹ and by The Council of Europe in 2014.⁴²**

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

⁴¹ Parliamentary Assembly 2014: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20716>

⁴² Council of Europe 2014: https://www.europarl.europa.eu/doceo/document/A-7-2014-0071_EN.html?redirect

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,⁴³ the same goes for Norway since the implementation of the Equality Model in 2009⁴⁴ and a 2018 report from France (which introduced the Equality Model in 2016) also points to a reduction in men buying sex.⁴⁵** 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,

⁴³ 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

⁴⁴ *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>

⁴⁵ 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>

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 in 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 prostitution**⁴⁶. 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 Model**.⁴⁷ 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.

6.d. Recommendations

⁴⁶ SOU 2010, p. 33

⁴⁷ Nordic Model Now : <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

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 legislative framework tackling the full continuum of violence against women and girls.
- The legislation must be harmonised with the relevant Directives, including having an end-demand at its core 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.
- Thus, we propose the law include 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.

**EUROPE IS
READY FOR A
FUTURE FREE
FROM SEXUAL
EXPLOITATION.**

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