

TERRE DES FEMMES

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Written submission to UN WOMAN's consultation process on prostitution and the sex trade

TERRE DES FEMMES is a non-profit human rights organisation based in Germany that supports girls and women through raising public awareness, international networking, campaigning, individual personal assistance and the promotion of self-help projects abroad. TERRE DES FEMMES works to ensure that women and girls around the world are able to lead self-determined lives while holding equal and inalienable rights. Our main areas of work are human trafficking and prostitution, female genital mutilation, honour killings, domestic violence, and, more recently, the specific vulnerable situation of female refugees.

Our position on prostitution and the sex trade has to be understood against the background of recent legislative changes in German policies concerning prostitution. German law currently decriminalises both the selling and the purchase of sex. The goal of TERRE DES FEMMES is a society without prostitution; just as we want a society without poverty, discrimination, or violence. TERRE DES FEMMES supports the decriminalisation of the person in prostitution. But we consider the criminalisation of the purchase of sex to be the best path towards achieving a gender-equal society that protects its vulnerable members and leaves nobody behind.

In the following sections, TERRE DES FEMMES responds to the questions posed by UN WOMEN. We argue that the full legalisation of prostitution is not in the interest of women: it neither promotes gender equality nor protects the human dignity of women.

Question 1

Prostitution and the sex trade directly impact the human rights of girls and women. Clearly, this is primarily the human rights of those girls and women who are victims of sex trafficking and those working as prostitutes. However, we want to highlight that it is *all women in society* that are affected when women's bodies are for sale.

TERRE DES FEMMES considers prostitution to reduce sexuality to a commodity. It reinforces gender hierarchies and suggests the permanent sexual availability of women. We are concerned with the structural position of all women in society. The current Draft Update of the General Recommendation No.19 of CEDAW states that gender-based violence "is rooted in gender-related factors such as ideas of men's entitlement over women, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour. These factors also contribute to the explicit or implicit social acceptance of gender-based violence against women and the widespread impunity for it" (Paragraph 10). Policies regarding prostitution have such large-scale societal effects on gender relations and gender-based violence, and this is why TERRE DES FEMMES argue for a prohibition of the purchase of sex for the sake of all women in society.

Question 2

Policies on prostitution and the sex trade affect the SDGs in the following ways:

Concerning a) reproductive rights

TERRE DES FEMMES supports the empowerment of women, their reproductive rights, and sexual autonomy. As the Beijing Platform for Action notes, women engaged in prostitution and those who were trafficked have an increased risk of unwanted pregnancy and sexually transmitted infections, including HIV/AIDS (Beijing Platform for Action, p.50). We have observed a deeply problematic race to the bottom following the 2002 prostitution legislation in Germany: this included high pressures for condomless sex, as well as flat-rate brothels depriving prostitutes of any meaningful consent. It will remain to be seen whether recent legislative changes manage to improve the respect for reproductive rights of prostitutes in Germany, but it is clear that the full legalisation of prostitution is not an easy way to ensure the reproductive rights of prostitutes.

TERRE DES FEMMES is a sex-positive organisation. The respect for women's sexual autonomy does not involve an automatic acceptance of prostitution as empowering or "sex work." Our demand for a criminalization of the purchase of sex involves no conservative stance concerning female sexuality, but rather a progressive stance against the commodification of sexuality and women's bodies.

Concerning b) women's ownership of land and assets

The sustainable development goal Nr. 8 of providing "decent work" for women and equal employment opportunities and equal pay is not achieved by embracing prostitution as just another kind of work. TERRE DES FEMMES considers the system of prostitution to be evidence of the power imbalance and gender inequality in society. Same as UN WOMEN, TERRE DES FEMMES stands for gender equality in the area of work and employment, and we would consider it deeply problematic if UN WOMEN were to propose prostitution as a path out of extreme poverty. It is exactly the "tyranny of poverty and want" mentioned in the 2030 Preamble that pushes the large majority of women into prostitution or makes them vulnerable to becoming victims of trafficking. The Beijing Platform for Action notes in Ch.IV that "poverty can also force women into situations in which they are vulnerable to sexual exploitation." Providing the "option" of working as a prostitute is not the same as empowering women nor is it a gender-sensitive development strategy.

Concerning c) building peaceful and inclusive societies

The Preamble of the 2030 Agenda highlights the goal of a peaceful society. This requires a fight against structural violence, and TERRE DES FEMMES considers the system of prostitution to be such structural violence. This is violence not only against the women working as prostitutes, but also against all women in the society. A peaceful society will only be achieved through gender equality.

The European Parliament highlights that the sex trade is tied to large networks of organized crime. In the EU alone the European Parliament estimates annual profits of 25 billion euros in human trafficking (Special report on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken 2013/2107 (INI)).

Concerning d) ending the trafficking of women

Trafficking in women is a serious violation of human rights of women and girls. International economic inequality and lacking opportunities for legal migration are the main causes of trafficking in women in poorer countries. Most prostitutes and trafficked women in Germany have migrated from poorer European countries such as Bulgaria and Romania, as well as African countries such as Nigeria. The Agenda 2030 sustainable development goals cover the range of policies needed to reduce the vulnerability of girls and women to human trafficking and therefore the supply-side of human trafficking. In addition, TERRE DES FEMMES views the demand side as the key to reducing trafficking in women. Men purchase sex with women trafficked into sexual exploitation. A prohibition of the purchase of sex affects the profitability of the sex trade and thereby the incidence of trafficking in women.

Concerning e) eliminating violence against women.

TERRE DES FEMMES considers prostitution to be a system of structural violence against women, and this is one reason why we propose a prohibition of the purchase of sex. Prostitutes and trafficked women are subject to physical, sexual and emotional violence; they are directly affected by policies surrounding prostitution. It is obvious why being trafficked entails violence against women, but in general, prostitution is dangerous for women. According to a study by the German government, over half of the women working as prostitutes have been raped, 68% experienced life-threatening violence, and overall prostitutes have been exposed to more violence both in their private lives as well as their professional lives than the average German woman (BMFSFJ (2004) "Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland"). Prostitution is not safe for women. It exposes them to violence and violates their human dignity.

Question 3

The last decade of legislative changes in Germany has shown that a full legalisation of prostitution has not led to a reduction of harm, violence, or the stigma of prostitution. Of course, decriminalisation of the person in prostitution is key to protecting prostitutes from prosecution, imprisonment and the stigma of a prostitute as a 'criminal.' And TERRE DES FEMMES is well-aware that prohibiting the purchase of sex won't eliminate prostitution as a whole, but the effect on societal perceptions and the reduction of demand will better protect women from harm and violence. The focus on the demand side with fines for sex buyers and restrictions on advertisement has to go hand-in-hand with counselling and support for prostitutes to exit prostitution through alternative work opportunities, secure access to health care, awareness-raising at the societal level, as well as specialised police units proactively working to identify victims of human trafficking.

Conclusion:

We hope that our analysis convinces UN WOMEN that the full legalisation of prostitution is not in the interest of women and does not achieve the goals set forth in international human rights instruments, CEDAW, the Beijing Platform for Action and the 2030 Agenda Sustainable Development Goals. TERRE DES FEMMES urges UN WOMEN to take a stand against prostitution and for gender equality and the human dignity of women worldwide.