



The Commissioner for Human Rights of the Council of Europe does not understand the realities of the prostitution system.

Open letter from 14 organisations representing more than 2000 frontline, feminist and survivor-led organisations in response to the CoE's Commissioner for Human Rights' comment on prostitution.

We, survivors-led, feminist and grassroots' organisations, are appalled by the Council of Europe Commissioner for Human Rights' comment on "*protecting the human rights of sex workers*", both in terms of the methodology used and of the content developed. Women and girls in prostitution deserve better than what can only be considered a disconnected piece of propaganda.

An opaque consultation exclusively opened to organisations advocating for "sex work"?

Our 14 organisations represent more than 2000 survivor-led, feminist & grassroots organisations which have supported last year more than 18 000 of prostituted persons all over the world, almost exclusively women and girls from the most marginalised communities. **Not a single one of our organisations was included in the consultations leading to this statement**, the Commissioner having prioritised access to organisations with no serious experience of providing direct and long-term support to prostituted persons.

Therefore, the comment excludes the perspectives and experiences of prostituted persons supported across our organisations and networks. For instance, the Commissioner refers to Belgium as a reference while the country is a major hub for prostitution and trafficking in human beings for sexual exploitation in Europe, even though local organisations have repeatedly alerted on the disastrous impact of Belgian legislation on prostituted persons¹.

Given the Commissioner's apparent inability to reach out to frontline and survivors' organisations, we would like to offer her a helping hand in the form of a concrete proposal: Madam Commissioner, we invite you to come and see for yourself the realities of prostitution, in Belgium or elsewhere, **by meeting one or several of our frontline and survivors-led organisations**. The realities you will discover are likely to be very different from the narrative developed in your commentary.

¹ <https://www.isalaasbl.be/prostitution-associations-feministes-expriment-leur-profonde-inquietude-quand-a-lapproche-de-la-belgique/>

An explosion of violence and exploitation where the recommendations of the Commissioner for Human Rights have been implemented.

Our organisations witness at the grassroots level the disastrous impact of the policies decriminalising pimps and sex buyers recommended by the Commissioner for Human Rights.

In Germany, a country which legalised prostitution in 2002, the results are unequivocal:

- The highest estimates put **the number of persons in prostitution in the country** at **400 000²**, of which only **23 000** were registered **for the official “sex worker” status** in 2021³.
- **81%** of registered women were **foreigners** in 2021⁴
- Pimps use the legislation as a façade to exploit the most vulnerable: since the war started in Ukraine, the **number of Ukrainian women fleeing war registered in Berlin's red-light district** has **increased fivefold⁵**.
- The decriminalisation of the purchase of sexual acts has led to an explosion of the demand: in Germany, **26%** of men declared that they have bought sex at least once in their lives, compared to 7% in Sweden⁶.
- To meet this demand, brothels are selling women on an industrial scale in “**mega-brothels**” offering €70 packages including a woman, a beer and a sausage⁷, or “*all you can fuck*” deals.

The disastrous results of the German approach are leading to a collective awakening and paradigm shift in the country: both the CDU/CSU parliamentary group and the Chancellor (SPD) have recently taken a stance to put an end to the “sex work” approach⁸.

The explosion and normalisation of the purchase of sexual acts has an impact on all women and girls and increases the pressure on the most marginalised among them. In the **Netherlands**, a country that legalised prostitution in 2000, it is now legal for driving instructors to propose sexual acts to their students as a means of payment⁹. This practice is commonly called “*a ride for a ride*”.

In **Belgium**, in the **Brussels' Aerschot street**, known for its window prostitution, “*each person in prostitution pays an average of €250 a day to brothel managers to rent a window. This rent is equivalent to €7,500/month for a person paying these costs every day. This means that the person has to endure 150 “free” sexual acts before receiving a single euro for herself*” according to the grassroots NGO isala¹⁰.

Under the guise of improving conditions for prostituted persons, the regulatory model of prostitution strengthens the stranglehold of pimps - politely renamed as “third parties” by the Commissioner. They benefit from various legal statuses, such as “brothel owners” or “entrepreneurs” and perpetuate the sexual and economic exploitation of the most vulnerable with complete impunity.

We agree that prostitution is at the intersection of multiple discriminations and that the most marginalised women and girls are overrepresented in this system (70% of persons in prostitution in Europe are migrant women for instance¹¹). **However, unlike the Commissioner, we do not put victims**

² <https://www.bbc.com/news/world-europe-26261221>

³ https://www.destatis.de/EN/Press/2022/07/PE22_277_228.html

⁴ https://www.destatis.de/DE/Presse/Pressemitteilungen/2019/11/PD19_451_228.html

⁵ <https://cne.news/article/2857-war-in-ukraine-causes-spike-in-refugees-being-recruited-for-prostitution>

⁶ <https://sverigeskvinnoorganisationer.se/wp-content/uploads/2023/12/Sex-pruchase-in-Sweden-Germany-Fact-sheet.pdf>

⁷ Kraus I., "Situation in Germany, 17 years after the decriminalisation of pimping," Trauma and Prostitution, 2018.

⁸ <https://www.xn--bndnis-nordischesmodell-cpc.de/>

⁹ Lauren Said-Moorhouse, *Dutch driving instructors can trade lessons for sex*, CNN, 21 December 2015:

<https://edition.cnn.com/2015/12/21/europe/driving-lessons-sex-netherlands/index.html>

¹⁰ ¹⁰ <https://www.isalaasbl.be/prostitution-associations-feministes-expriment-leur-profonde-inquietude-quand-a-lapproche-de-la-belgique/>

¹¹ Brussels Call, Her Future is Equal, 2022

and exploiters at the same level as the latter exploit the vulnerabilities of the first and abuse their power over them.

"We don't need trade unions, health insurance or minimum wage. We need trauma-therapy, exit programmes, protection and financial aid. We don't need labour rights. We need the rights that come from being recognised as victims of violence".

Survivor-led collective #Intedinhora ("#NotYourWhore"), Sweden.

Prostitution in international Human Rights Law: neither work nor sex, but a violation of Human dignity!

It is particularly troubling to see the Commissioner refers to a "Human-Rights based approach" on "sex work" without quoting or referencing a single international Human Rights' instrument concretely supporting her approach. There is a reason for it: universal, binding Human Rights treaties are unequivocal on States' obligation to criminalise pimping and to discourage the demand that fosters trafficking for sexual exploitation:

- The **UN 1949 Convention**¹² recognises prostitution as *"incompatible with human dignity"*. It is therefore inconceivable that an activity that violates human dignity could suddenly be recognised as work by the Council of Europe, particularly as the CoE promotes and defends access to "decent work".
This same Convention calls on Member States to criminalise any person who *"exploits the prostitution of another person, even with the consent of that person"* and who *"keeps or manages, or knowingly finances or takes part in the financing of a brothel;"* or *"knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others"*.
- In addition, **Article 6 of the CEDAW Convention** requires Member States to suppress the exploitation of the prostitution of women and girls, i.e. pimping¹³.
- **Article 9.5 of the Palermo Protocol** requires Member States to *"discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking"*¹⁴.

The criminalisation of pimping and the purchase of sexual acts are also measures that have been unanimously recommended by the **OSCE**¹⁵, the **European Parliament**¹⁶, the **Parliamentary Assembly of the Council of Europe**¹⁷, and the **United Nations Special Rapporteur on violence against women**¹⁸ as best tools to combat trafficking for sexual exploitation.

*"The arguments that decriminalizing the demand for the purchase of sexual acts improves the safety, dignity and living conditions of prostituted women does not appear to be supported by facts. Prostitution results in grave human rights violations for those women and girls involved"*¹⁹.

UN Special Rapporteur on Violence against Women, Reem Alsalem (2023)

¹² the Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
<https://urlz.fr/pC3I>

¹³ The United Nations Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women

¹⁴ The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

¹⁵ <https://www.osce.org/cthb/489388>

¹⁶ Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights - Thursday, 14 September 2023 (europa.eu)

¹⁷ Resolution of the Parliamentary Assembly of the Council of Europe of 8 April 2014 on "Prostitution, trafficking and modern slavery in Europe.

¹⁸ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/2023-10-27-sr-vawg-commentary-france-law-prostitution.pdf>

¹⁹ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/2023-10-27-sr-vawg-commentary-france-law-prostitution.pdf>

The agreed language of the United Nations and the EU is and remains “prostitution” and “person in prostitution”. We deplore the repeated use of the term “sex work” in the comment, which is a propaganda term designed to conceal the violence inherent in the prostitution system and the patterns of sexist, racist and class oppression that feed it, and to promote the legalisation of prostitution.

"Our core belief as UN Women is that all women who are involved in this industry are victims whether they regard themselves as sex workers or not, or see this as a job, we regard them as victims and the ones who are buying the service as perpetrators of violence against women".

Phumzile Mlambo-Ngcuka, former Executive Director of UN Women (2020).

A (real) Human Rights-based approach on prostitution exists: it protects victims and fights the impunity of perpetrators.

Sweden, Norway, Iceland, Ireland, Northern Ireland, Canada & France, as well as the EU Parliament, have taken a feminist and Human-Rights based approach towards prostitution, by recognising prostitution as a system of violence and exploitation. This “Equality Model” dissociates between the victims and their exploiters: it decriminalises prostituted persons, gives them access to exit programmes and penalises the purchase of sexual acts - at the root of the prostitution system - as well as pimping.

In **Sweden**, which adopted an Abolitionist model in 1999:

- the demand has halved as a result of the criminalisation of the purchase of sexual acts. 13.6% of men in Sweden²⁰ said they had bought a sex act once in their lives in 1996, compared to **7% in 2023**.²¹
- The drop in demand has made Sweden an unattractive territory for trafficking networks, which have moved away from it²².
- The law has also had a normative effect: while ¾ of Swedish people were against penalising sex buyers in 1996, less than 10 years later, in 2008, this measure was widely supported by **70% of** the population²³.
- Since the adoption of the law, 0 prostituted person has been killed in Sweden, against at least 84 in Germany.²⁴

In **France**, a country that adopted the Equality Model in 2016:

- **0** persons in prostitution have been penalised since the law was adopted.
- **1 247** people have benefited from an exit programme in March 2023, providing psychosocial support, a residence permit for foreign victims, accommodation, monthly financial support, and vocational training with a 95% success rate²⁵.
- More than **8,000** sex buyers have been fined or had to attend a mandatory awareness-raising course on the realities of prostitution.²⁶
- An increase of **54%** in proceedings against pimps was observed between 2016 and 2019 as well

²⁰ Sweden Ban on the purchase of a sexual act, an assessment" 2008.

²¹ The Swedish Women's Lobby, Sex purchase in Sweden and Germany, 2023

²² Sweden Ban on the purchase of a sexual act, an assessment" 2008.

²³ Sweden Ban on the purchase of a sexual act, an assessment" 2008.

²⁴ <https://prostitutionresearch.com/wp-content/uploads/2019/04/Murders-of-prostituted-women-in-Germany-since-legal-prostitution-in-2002.pdf>

²⁵ <https://www.causette.fr/societe/en-france/isabelle-lonvis-rome-je-souhaite-porter-une-nouvelle-strategie-nationale-de-lutte-contre-la-prostitution-a-la-rentree/>

²⁶ [ibid](#)

as **7x** more [compensation for victims](#).²⁷

The conformity of the French law has been recognised -in powerful terms - by the French Constitutional Court²⁸. The High Council of Equality in France has recognised this approach as “*contributing to build a society of formal and real equality between men and women*”²⁹ and survivors from several country have recently expressed collective support towards the legislation³⁰. The Commissioner does not seem aware of these elements and refers to French law only in the context of an admissibility decision on an ongoing procedure, which in no way prejudices the Court's decision. We must point out that this procedure has been backed by the same organisations the Commissioner restricted the consultation process to in the drafting of this comment.

We agree on the need for Member States to ensure that their laws are in line with the European Convention on Human Rights. However, to do so, they should implement exactly the opposite approach than the one promoted by the Commissioner.

At a time when Europe is experiencing a paradigm shift in support of the Equality Model, the Commissioner's comment calling for the decriminalisation of perpetrators of violence marks a real backlash on women's rights. The way forward can only be the abolition of the sexist, racist & class-based system of prostitution, not its “full decriminalisation”.

We therefore call on the Commissioner to review and amend her comment based on an ethical, objective and inclusive consultation process.

Signatories:

- **The Coalition for the Abolition of Prostitution**, a coalition of 35 grassroots and survivor-led organisations in 28 countries providing support to 18 000 victims of prostitution & trafficking for sexual exploitation.
- **The European Women's Lobby** is the largest umbrella organisation of women's associations in Europe with 32 national coordination organisations and 17 European-wide member organisations, representing a total of more than 2,000 women's rights organisations. The EWL's mission is to represent an inclusive, fearless, loud, independent feminist voice and bring the voices of women and girls into the European political arena. Representing the diversity of the women's movement across Europe, the EWL mobilises its members' collective experience and expertise to work on major issues affecting women and girls.
- **The European Network of Migrant Women** is a migrant women's led European platform gathering over 50 member organisations in 23 EU States. Its goals are to protect migrant women's rights and tackle all forms of violence against women and girls.
- **SPACE International** is an international organization of survivors from around the world calling for the recognition of prostitution as a violation of human dignity and a fundamental obstacle to gender equality.
- **Intedinhora** is the biggest survivor-led network in Scandinavia for people surviving prostitution. Today our organisation consists of over 160 members, and we all strongly believe that prostitution is a part of men's violence against women.

²⁷ Data from FACT-S, The situation of prostitution in France, 2021: FACTS - ENGLISH.pdf & IGAS, Évaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées, 2020: <https://www.fact-s.fr/>
<https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf>

²⁸ <https://www.conseil-constitutionnel.fr/decision/2019/2018761QPC.htm>

²⁹ <https://www.haut-conseil-egalite.gouv.fr/violences-faites-aux-femmes/travaux-du-hce/article/cp-qpc-prostitution-le-haut-conseil-a-l-egalite-salue-la-decision-du-conseil>

³⁰ <https://www.youtube.com/watch?v=zvv-tn4w5cc>

- **The Coalition Against Trafficking in Women** is one of the oldest international organizations dedicated to preventing and ending the trafficking and sexual exploitation of women and girls worldwide through legal advocacy, public awareness, and partnerships with the global survivor-led movement.
- **The Initiative Féministe EuroMed** est une plateforme politique qui fournit une expertise dans le domaine de l'égalité et des droits des femmes, indissociables de la construction de la démocratie et de la citoyenneté et qui plaide pour des solutions politiques à tous les conflits et pour le droit des peuples à l'autodétermination.
- **The Brussels'Call** is a partnership coalition of over 120 civil society organisations, as well as survivors and experts, committed to working at the international, European, Member State and local level to end prostitution and sexual exploitation in Europe.
- **The Swedish Women's Lobby**, is a politically and religiously independent umbrella organization for the Swedish women's movement, bringing together 51 organisations and representing over 130 000 women and girls.
- **The French Coordination for the European Women's Lobby** is an advocacy NGO which leads and coordinates nearly 100 French organisations. The structure is committed to promote women's rights and gender equality at national, European and international level.
- **Osez le féminisme!** is a French national women's rights organisation recognised of general interest. It uses awareness raising, advocacy, victims support and strategic litigation to fight for equality between women and men.
- **Rights4Girls** is a US-based human rights organization dedicated to ending gender-based violence against marginalized young women and girls. We work to change the narrative and policies that criminalize those who have been impacted by gender violence and advocate for solutions that provide girls and women with access to safety, justice and support.
- **The Bündnis Nordisches Modell** unites over 45 frontline- and grassroots-organizations as well as numerous experts and survivors of prostitution from Germany, Austria and Switzerland, advocating for a change in prostitution policy in Germany towards the Nordic Model.
- **The Spanish State Federation of Abolitionist Women**, formed by experts and survivors of the prostitution system, maintains that prostitution is a form of violence against women and girls and that its abolition is a Human Rights issue.