



General Assembly

Distr.: General
30 June 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 3

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

Written statement* submitted by Congregation of Our Lady of Charity of the Good Shepherd, 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.

[03 June 2020]

* Issued as received, in the language(s) of submission only.

GE.20-08635(E)



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Fight Human Trafficking by ending the demand of sex-buying

Introduction

“Human Trafficking is a growing global criminal industry that defies human rights and affronts human dignity. It is a crime based on recruiting, harboring, coercing, deceiving, and/or transporting people solely for the purpose of exploitation, most often labor and/or sexual exploitation. According to UN figures, up to 80 percent of persons trafficked are women and children; girl children and adolescents are of special concern.

Human trafficking is crime rooted in the unjust dynamics of our global world and current global economy. Structures and systems that intensify social inequality, support patriarchal power, prioritize economic profit above the value of the human person, and diminish the value of social relationships render untold girls, women and children vulnerable to being trafficked for labor, human organ harvesting, surrogate pregnancy, and/or sexual exploitation. Trafficking is congruent with all forms of gender discrimination and gender-based violence, including the industries and governments that sustain prostitution and pornography. The Congregation of Our Lady of Charity stands with all persons who condemn this phenomenon and work to eradicate it and its systemic roots.”¹

The proportion of female victims who are sexually exploited has steadily decreased over time, largely due to a rise in the proportion of female victims of labor exploitation. This proportion has again risen in the past two years to 75% in 2016.²

The proportion of boy and girl victims of trafficking of sexual exploitation has changed over the years as reported by the International Organization for Migration (IOM) and Polaris caseload. In 2015 almost all girls’ victims were victims of sexual exploitation, and almost 50% of boy victims. The proportion of boy victims who are victims of sexual exploitation has taken a gradual upward trend.³

Resolution A/RES/71/167 of the General Assembly calls upon Governments to take appropriate preventive measures to address the underlying causes as well as risk factors that increase vulnerability to human trafficking, including poverty and gender inequality, particularly gender-based discrimination and violence, and the persistent demand that fosters all forms of trafficking, prevent and counter all forms of trafficking in persons for the purpose of exploitation, including the exploitation of the prostitution of others or other forms of sexual exploitation.

The numbers above and the resolution of the General Assembly coupled with our organization’s experiences working with victims of trafficking, who are mainly women, exploited in prostitution leads us to the conviction, that the demand for sex-buying needs to be eliminated.

To reach this goal we recommend:

¹ Our Lady of Charity of the Good Shepherd, 2018 Position Papers, <http://rgs.gssweb.org/sites/default/files/2018%2006%2008%20Position%20Papers%20update-en.pdf>.
² Global Data Hub on Human Trafficking: <https://www.ctdatacollaborative.org/story/human-trafficking-and-gender-differences-similarities-and-trends>.
³ Ibid.

Recommendations

Criminalize the purchase of sexual services (“penalize the buying of sex”) and at the same time decriminalize people in prostitution

a) Criminalization of the purchase of sexual services

Demand creates prostitution, demand encourages and facilitates human trafficking and exploitation.

There are already international regulations in force, trying to diminish demand, for example in Europe:

In Directive 2011/36 / EU, Article 18(1)⁴ the importance of reducing demand is clarified:

"Member States are taking appropriate measures, such as education and training, to address and mitigate demand that encourages all forms of exploitation related to trafficking in human beings."⁵

The European Parliament, believes that "demand reduction should form part of an integrated strategy against trafficking in the Member States;"⁶

The Council of Europe states in Resolution 1983 (2014):

“12. In the light of these considerations, the Assembly calls on Council of Europe member and observer States, Parliamentary Assembly observer States and partners for democracy, to:

12.1. as regards policies on prostitution:

12.1.1. consider criminalizing the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings.

12.1.6. if they have legalized prostitution:

12.1.6.7. raise general public awareness of the need to change attitudes towards the purchase of sexual services and to reduce the demand”.⁷

b) Decriminalization of people in prostitution

Women/Men/Children in prostitution or vulnerable to prostitution are those who experience or have experienced cumulative human rights violations and traumas over the course of their lives. They have difficulties to leave prostitution because of the lack of adequate support to find their way out. There must be a change in the system, in laws, policies and mindsets so that those who are prostituted are not the ones criminalized but those who engage in a system that facilitates buying a person and purchasing sex. For those who are still in prostitution, exit policy strategies are urgently required.

A study found that the prostitution law reform introduced in New Zealand in 2003 that resulted in decriminalizing persons in prostitution helped to improve the relationship between the police and individuals who sell sex.⁸ This could potentially reduce the prevalence of trafficking as women in prostitution are more likely to report both abusive buyers (who may

⁴ Human Trafficking Directive.

⁵ Directive 2011/36/EU: <https://eur-lex.europa.eu/legal-content/DE/ALL/?uri=CELEX:32011L0036>.

⁶ European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)), Point 28: <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0162+0+DOC+XML+V0//EN>.

⁷ Council of Europe: Prostitution, trafficking and modern slavery in Europe, Resolution 1983 (2014), Final version: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVveG1sL1hSZWYvWDJILURXLWV4dHIuYXNwP2ZpbGVpZD0yMDcxNiZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdc9QZGYvWFJlZi1XRClBVC1YTUwyUE RGLnhzbA==&xsltparams=ZmlsZWlkPTIwNzE2>.

⁸ Lynzi Armstrong, From Law Enforcement to Protection? Interactions between Sex Workers and Police in a Decriminalized Street-Based Sex Industry, *BRITISH J. CRIMINOLOGY* (2016).

be more likely to pay for sex with trafficking victims) and exploitative pimps (who may be traffickers).⁹

Closure of all brothels / prostitution facilities and penalties for the brothel operators in the case of a violation of this closure

Pimping and all forms of exploitation of any form must be tracked down, prevented and pursued with all available means; this requires more resources and more specialized staff

Offer effective exit assistance from prostitution

A wide range of services are required to help persons in prostitution to exit, such as safe shelters, financial help, free access to medical help and trauma treatment, help with administrative procedures and debt counseling, integration into a social system, access to education and skills training, language courses, if necessary, participation in a social and working life and a staying permission in cases of cross border trafficking.

Training the police, judiciary and authorities on the prostitution system

Many victims of trafficking have a lack of trust in the police and the judicial system which discredits women, upholds gender inequality, patriarchal structures and misogyny and is often complicit in human trafficking. For this reason, and in order to understand the mechanisms of exploitation and violence in prostitution and to be able to effectively help those affected, training of the police, judiciary and other authorities on the harms of a system that permits prostitution is essential.

Preventative measures

a) Reduce vulnerability of potential victims of trafficking

A commitment to ending human trafficking while countering the demand means developing and implementing alternatives to prostitution rather than being complicit in and perpetuating the vicious cycle of human rights violations associated with poverty, discrimination and gender-based violence. Reducing vulnerability could be addressed with the provision of basic income or social protections floors, access to health care and education, childcare provision and child benefits as an income opportunity for those affected while having zero tolerance for gender-based violence and discriminations.

b) Education on the issue of sex-buying

There need to be awareness campaigns at all levels clearly stating that it is a crime and a human rights violation to buy the body of another for sex. Education and awareness raising campaigns need to be set in place to help raise awareness that persons cannot be sold and bought.

c) Preventative work in schools and society, protection against violence and promotion of gender equality

d) Promote gender equality

In addition, education and preventative work on the harms of prostitution, human trafficking and the related question of gender inequality is important.

e) Consider pornography as driving factor

This also includes the critical handling of pornography, as a sort of filmed prostitution and must also be considered. Children and adolescents can access porn sites without control.

⁹ The Relationship between Prostitution Laws and Sex Trafficking: Theory and Evidence on Scale, Substitution, and Replacement Effects, University of Michigan Journal of Law Reform, Vol. 50, No. 2, 2017

Protection of minors makes no sense if a child can switch from a children's film to Pornhub. Especially during the COVID19 lockdown much more is happening online; the porn industry and its portals must be regulated and restrictions on access have to be implemented. Pornography promotes prostitution by encouraging men to buy sex. Pornography conveys sex as a technique or act that is completely detached from an emotional relationship, a mechanical action that can be easily imitated and purchased. It encourages male entitlement devaluing human dignity and human rights.
