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

Joint written statement* submitted by Congregation of Our Lady of Charity of the Good Shepherd, Edmund Rice International Limited, non-governmental organizations 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.

[19 August 2020]

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



Ending impunity for demanding the services of modern day slaves

The Congregation of Our Lady of Charity of the Good Shepherd is an organization working in 72 countries of the world with survivors of Human Trafficking. Contemporary slavery, also known as modern slavery or neo-slavery, refers to institutional slavery that continues to occur in present-day society. Estimates of the number of slaves today range from around 21 million¹ to 46 million^{2,3} depending on the method used to form the estimate and the definition of slavery being used.

In the Interactive Dialogue with the Special Rapporteur on contemporary forms of slavery at the 2nd Meeting of the 42nd Regular Session of the Human Rights Council, the Special Rapporteur spoke about the necessity to end impunity for the perpetrators of modern slavery. In her report⁴ we read "...The need to tackle persistent impunity and to ensure accountability. Slavery is illegal in most countries, but it persists because it is not effectively identified or punished."⁵ According to Kapstein in the journal of Foreign Affairs, many industrialized states have failed to put in much effort to alleviate the issue. He believes that the problem is not one of political capability, but of political will.⁶

I. Punishing the demand in the Sex-Industry to reduce the numbers of enslaved people for the purpose of sexual exploitation.

From our expertise of work, we would like to draw your attention to one of the root causes of human trafficking for the purpose of sexual exploitation: The demand of sex-buying.

The Special Rapporteur called for the punishment of perpetrators of Human trafficking. Regarding the trafficking into the sex-industry we want to offer some thoughts on how to make this more comprehensive:

Although the term sexual exploitation is already a criminal offense in many countries, it does not show the result of tackling successful violence and human trafficking and thus modern slavery. Special difficulties must be considered:

The sexual exploitation must first be revealed. Quite often women and men in sex-slavery are not able to speak the language of the country they are forced to work in, very often their identity document is taken away from them and monetary demands are made of them that they cannot meet. It is very difficult to prove that it is sexual exploitation. And the question remains: who is reporting the crime?⁷ These women and men need to have access to justice, to translation services and to be given much more help to reintegrate into society and to heal their trauma.

Being exploited as a slave in the sex-industry is only about the sexual desires of the sex buyers, not about the exploited people and their sexuality. Most sex-slaves even do not perceive the activities they are forced to deliver as sex, but as abuse.⁸ During the time of being sexually violated, they put themselves in a mental state that uncouples their sensations from what is happening in order to be able to endure it at all - in psychology this state is called 'dissociation'. This mental splitting off is initially used consciously by people enslaved in the sex-industry to protect themselves and it can lead to long-term psychological problems

¹ "Forced labour – Themes". Ilo.org. Archived from the original on 2010-02-09. Retrieved 2015-01-15.

² Kelly, Annie (1 June 2016) „46 million people living as slaves, latest global index reveals”. The Guardian Retrieved 2019-05-06.

³ Jump up to:a b "What is modern slavery?". Anti-Slavery International. Retrieved 2017-10-21. "Walk Free". The Minderoo Foundation. Retrieved 2019-04-30.

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/226/64/PDF/G1922664.pdf?OpenElement>.

⁵ Ibid. Number 40 page 12.

⁶ Kapstein, Ethan B. (1 November 2006). "The new global slave trade". Foreign Affairs. Council on Foreign Relations. Retrieved 10 November 2015.

⁷ <https://taz.de/Aktivistin-ueber-Sexkaufverbot/!5644525/>.

<https://atlantablackstar.com/2018/07/15/black-women-are-suffering-in-silence-from-arab-abuse/>.

⁸ Gugel: Das Spannungsverhältnis zwischen Prostitutionsgesetz und Art. 3 II GG, 2010, S. 9.

and a disturbed relationship to their bodies and their own sexuality.⁹ Many women also take drugs, alcohol, or psychotropic drugs in order to be able to endure being violated as sex-slaves.¹⁰ More than often girls and women who are sexually exploited by rape, forced prostitution, or sexual slavery are tainted with social stigmas for the rest of their lives. The link to sexual immorality further exacerbates this stigma. Once that link is created, the damage to the woman's reputation can never be undone.

To strengthen the success of tackling sexual exploitation and modern slavery in the sex-industry we demand a ban on sex purchases, which is situated on the demand side: with the sex buyers.

The European Parliament passed a non-legally binding resolution (2014). The resolution passed by 343 votes to 139, with 105 abstentions.

The Resolution says: “Prostitution legislation and policies vary across Europe, ranging from legalization to criminalization of all or some prostitution-related activities. In 1999, Sweden was the first country to criminalize the purchase of sexual services, with proven positive results in terms of reducing the demand for trafficking. Since then, other countries have followed the same path or have taken steps in this direction. At the same time, other member States have chosen to legalize both the sale and the purchase of sexual services, in the false hope that the existence of a legal sex-work sector would reduce the attractiveness of this business for criminal organizations or may improve the working conditions of sex worker”¹¹

“This model has been extremely successful in Sweden, where the law was enacted in 1999, after 30 years of research into the reality of prostitution. Prostitution has decreased drastically in Sweden and while one in eight men used to buy sex, that number has now been reduced to one in 13.

This resolution shows a clear position on prostitution — one that supports human rights and gender equality and acknowledges that prostitution happens because of marginalization and systems of power — not “free choice.”

We’ve learned from other countries that have experimented with legalization, such as Germany and the Netherlands, that the result is increased trafficking, exploitation, and violence. The illegal industry has thrived under legalization, to the point where many brothels and “windows” in the famous red-light district of Amsterdam have been shut down after having been taken over by organized crime. The myth of a “safe, legal industry” has been shown to be nonexistent, as prostitution is exploitative by nature and promotes power imbalances between men and women.”¹²

The experience shows, that trafficking for the purpose of sexual exploitation can be significantly reduced by punishing the persons, who are demanding it.

II. A call to be aware of the situation of people of African-descend

A recent incident in Lebanon comes following the 2016 burning to death of a Kenyan woman named Mary Kibawana Kamajo, a housemaid who lingered for three months after she was set alight in the home by her Lebanese boss using a gas cylinder. Kamajo described the conditions she faced at the hands of her employers. “My female boss and her daughter would often beat me for the most trivial of reasons. They would also give me bad food,” she said. “I had no breaks from work, and I would toil from 6 am daily to late in the night. They took

⁹ Farley: Prostitution and the Invisibility of Harm, 2003, S. 19-23.

¹⁰ Honeyball: Bericht über sexuelle Ausbeutung und Prostitution, 2014, S.10.; Kraus: Prostitution, 2016, S. 4.

¹¹ Prostitution, trafficking and modern slavery in Europe, Council of Europe, Resolution P7_TA(2014)0162 <https://www.europarl.europa.eu/sides/getDoc.do?reference=P7-TA-2014-0162&type=TA&language=EN&redirect>.

¹² “EU Parliament passes resolution in favour of the Nordic model”; <https://www.feministcurrent.com/2014/02/26/eu-parliament-passes-resolution-in-favour-of-the-nordic-model/>.

my passport away the day I arrived, and I had no access to a calendar so I never knew what day it was, let alone the time.”¹³

The slavery of Africans by Arabs and Europeans ended through political agitation and diplomacy. Since then, people of African descent have often been victims of abuse and exploitation in many parts of the world, suffering indignities that shame us all. Now is the time for the African continent to rise and fight for people of African descent across the world.¹⁴

We recommend the consideration of the following measures:

- 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.
- Ban the advertising of sexual services, including forms of disguised advertising.
- Criminalize pimping if this has not happened so far in legislation
- Raise awareness through the media and school education, particularly among children and youth, about respectful, gender-equal, violence-free sexuality.
- Raise awareness on the link between prostitution and human trafficking by means of information campaigns targeting the public, civil society organisations and educational institutions.
- Sep up training programs on prostitution and trafficking for law-enforcement officials, the Judiciary, social workers, and public health professionals.
- At the continental level, we wish to appeal to the African Union to do more to look after the citizens of its Sixth Region – the Diaspora¹⁵ – by embarking on political agitation and diplomacy that will ensure that host countries accord civil and human rights to the Africans in their midst.

¹³ <http://arabtradeunion.org/ar/kenyan-domestic-worker-burnt-by-lebanese-boss-finally-loses-battle-to-stay-alive?lang=1>.

¹⁴ Doe, Stephanie (2008). "Misyar marriage as human trafficking in Saudi Arabia". Global Tides. Pepperdine University Libraries. 2. article 1. Pdf.

¹⁵ <https://newafricanmagazine.com/19283/>.