



Written submission by the Swedish Women's Lobby to UN Women's consultation regarding prostitution

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Women have the right not to be bought, sold, exploited or trafficked in prostitution. The United Nations (UN) and countries all over the world have over and over again confirmed that prostitution is a form of violence against women, an obstacle to gender equality and a crime against women's human rights. The UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others states that: *"prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person (...)"*

The UN Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) states that state parties *"shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women"*. Since its' adoption in 1979 the CEDAW has been reaffirmed every year by the Commission of the Status of Women (CSW) and several other UN conferences.

Prostitution is also incompatible with the Sustainable Development Agenda and values of universality. To refer to prostitution as *"work"* is the same thing as leaving thousands of persons in prostitution all over the world behind.

To use the word *"work"* in relation to prostitution is to counteract universal and agreed language that defines prostitution as a crime against human rights and all above-mentioned conventions. For the same reasons, the word *"trade"* is equally non acceptable if it is used in a way that implies work, an area of work or the similar. However, *"trade"* is a suitable word to use in relation to prostitution if it is used in a way that implies buying, selling and exchanging goods. When used this way the word *"trade"* captures the global business of trading in women's bodies, better known as prostitution.

Question 2) The Sustainable Development Goals (SDGs) set out to achieve gender equality and to empower all women and girls. The SDGs also include several targets pertinent to women's empowerment, such as (...) How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The 2030 Agenda can never be fully achieved as long as women are bought, sold, trafficked and exploited in prostitution.

a) Reproductive rights

Target 5.6 on reproductive rights refers to the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action (BPA),

both of which have clear positions on prostitution. The Programme of Action of ICPD defines reproductive health as *"a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."* The Programme thereafter states that reproductive health *"implies that people are able to have a satisfying and safe sex life."* Being in prostitution and facing violence, threats and other risks in the sex industry is contradictory to this definition. On prostitution the Programme states that countries *"should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes"*. Similar language can be found in the BPA.

b) Building peaceful and inclusive societies

Target 16.2 urges states to *"end abuse, exploitation, trafficking and all forms of violence against and torture of children"*. This target is tied to the issue of trafficking since many women entered prostitution as children and a majority of them have been trafficked. Target 16.1 that also can be found under the same goal requires states to *"reduce all forms of violence and related death rates."* In order to achieve this target states need to address that persons in prostitution face a mortality rate 10 to 40 times above the average population (1).

c) Ending the trafficking of women

Trafficking in human beings is interlinked with prostitution at all levels. Prostitution fuels the global trafficking industry both by driving the demand. Sexual purposes is the most common reason for women to be trafficked and a majority of persons in prostitution have been trafficked. Therefore it is impossible to fight trafficking without fighting prostitution. *"Prostitution"* and *"trafficking"* are addressed in combination to each other in documents such as the CEDAW, the BPA and the Programme of Action of the ICPD.

d) Elimination violence against women

Since prostitution in itself is a form of violence against women it would be impossible to meet the target in question if prostitution would be referred to as *"work"*. In order to eliminate violence against women, sex purchase need to continue to be recognized as a crime. By default, women in prostitution needs to continue to be defined as *"victims of a crime"* and never as *"workers"*.

e) End poverty in all its forms everywhere

Poverty drives women and girls into prostitution. To choose between poverty and prostitution is not a choice at all. Women and children in poverty are disproportionately involved and exploited in prostitution and are more vulnerable to trafficking. As are victims of incest and sexual violence, indigenous women and children, migrant women and children, and women and girls from ethnic minorities.

f) End the epidemics of AIDS (...) and other communicable diseases.

Persons in prostitution face a 12 times greater risk of being infected by HIV/AIDS². In order to fight the spread of HIV/AIDS among persons in prostitution we need to fight prostitution

¹ 18 myths on prostitution, European Women's Lobby (EWL) (<http://www.womenlobby.org/18-myths-on-prostitution-read-and-share-EWL-awareness-raising-tool?lang=en>)

² The Gap Report, UNAIDS, 2014 <http://www.unaids.org/en/resources/documents/2014/Sexworkers>

which apart from being a crime against women's human rights is an arena for spreading of infections.

g) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Needless to say, prostitution is a contradiction to decent work. As long as women are trapped in prostitution the goal on full and decent employment can never be reached.

h) Facilitate orderly, safe, regular and responsible migration and mobility for all people

A majority of persons in prostitution have been trafficked into the industry. But even apart from that an overwhelming majority of women in prostitution are migrants. Prostitution and trafficking is therefore an obstacle to safe and responsible migration and mobility.

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma and discrimination?

Prostitution is a global industry that buys, sells, exploits and traffics women. The best way to protect women from harm, violence, stigma and discrimination is to prevent them from being drawn in to prostitution in the first place and after that to help them exit.

The most effective way to combat prostitution is to target the demand, also known as the buyer. Best practice on how to target demand is found in countries like Sweden, Norway, Iceland and France where sex purchase is criminalized. In other words it is illegal to buy but not to sell sex. This has reduced street prostitution by half in Sweden (3), while no more stigma have been put on women in prostitution. The women in prostitution are victims of a crime and should receive protection, support and help to exit. Sweden is also a much smaller market for trafficking in persons than comparable countries. The Swedish sex purchase act is broadly supported by persons in prostitution, social workers and the police.

The other option, to recognize prostitution as "*work*" would not only be a breach against agreed language and several UN conventions and documents; it would also be a way to leave thousands of women and girls behind. Prostitution is mere violence and exploitation and is incomparable to any form of work. No other job has the same occupational hazards. (4) 82 percent of the persons in prostitution have been physically assaulted, 83 percent have been threatened with a weapon, 68 percent meet the criteria for Post-Traumatic Stress Disorder and 68 percent have been raped. The death rate (5) among women in prostitution is higher than for any other group of women, including homeless women and drug addicts.

The few countries that have decided to legalize sex purchase with the argument that it would be easier to control the sex industry if it is regulated have utterly failed. Very few women are registered as "*workers*" and the stigma against women in prostitution has not

³ Evaluation of the prohibition of the purchase of sexual services, Government of Sweden, 2011 (<http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>)

⁴ Prostitution, Violence, and Post-Traumatic Stress Disorder, Melissa Farley and Howard Barkan, 1998 (<https://archive.is/zUwm>)

⁵ Mortality in a Long-term Open Cohort of Prostitute Women, John J. Potterat, Devon D. Brewer, Stephen Q. Muth et al., 2004 (<http://aje.oxfordjournals.org/content/159/8/778.full>)

been reduced. In Germany for example, only 1 percent of persons in prostitution are registered as “sex workers.” When the German state’s official inquiry asked why, many women in prostitution replied that they hoped to get out of prostitution as soon as they could and that they did not want to see it as more than a temporary solution (6). Moreover, the so-called “sex worker organizations” are run by pimps, brothel owners and escort services. The interests of these groups are to legalize all aspects of the sex industry through the labeling of prostitution as “work.”

It is impossible to talk about forced versus voluntary prostitution. Persons in prostitution are always forced, either by pimps and traffickers, or by the fact that they do not have any other choice. Any form of prostitution is a human rights violation and therefore there can be no distinction between “voluntary” and “forced” prostitution.

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⁶ Federal government report on the impact of the act regulating the legal situation of prostitutes, Federal Government Germany, 2007 (https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf)