

Submission from the Coalition Against Trafficking in Women (Category II ECOSOC Consultative Status) to the Study of the Secretary-General on violence against women

The report of the Secretary-General must recognize that trafficking and prostitution are forms of violence against women. Trafficking and prostitution are inextricably linked: the demand for prostituted sex is the engine that drives the worldwide crisis of trafficking in women and girls. It is the demand for prostitution and other commercial sexual services that makes vulnerable women and girls such enticing cargo for traffickers. Countries such as Sweden have had some success curbing trafficking by adopting measures targeting this demand. Conversely, where prostitution is legalized, demand for both legal and illegal prostitution increases as does the incidence of trafficking.

The Harms of Trafficking and Prostitution

Prostitution is inherently degrading and humiliating to the woman or girl who is being sexually exploited. When a woman or girl is reduced to a commodity to be bought and sold, her fundamental human rights are violated. Traffickers, pimps, and buyers degrade her humanity. Men purchase the right to insult, slap, and rape women and girls. These acts include forms of sexual violence that women's advocates and human rights groups have long sought to eliminate from women's beds, homes, workplaces and streets. A survey of 854 people in prostitution in nine countries (Canada, Colombia, Germany, Mexico, South Africa, Thailand, Turkey, United States, and Zambia) revealed that 71% experienced physical assaults in prostitution, and 62% reported rapes in prostitution. See Melissa Farley, *Prostitution in nine countries: Update on violence and posttraumatic stress disorder* (2003). Trafficked and prostituted women and girls have little redress against the abuse, violence, harassment and debasement to which they are subjected. Victims of prostitution often suffer severe health consequences ranging from injuries inflicted by beatings, rapes, and unwanted sex; psychological devastation, including trauma, depression, and suicide; HIV/AIDS and other sexually transmitted diseases; and alcohol and drug abuse induced by pimps or by the women's attempts to self-medicate. As stated by a prominent researcher, "[m]any of the chronic symptoms of women in prostitution are similar to the long-term physical consequences of torture." Melissa Farley, *"Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized*, 10 *Violence Against Women* 1087, 1098-99 (October 2004).

We strongly believe that no society that purports to uphold the dignity and equality of women should tolerate the commodification of women and girls. Prostitution is violence against women.

Best Practice: Focusing on the Demand

The Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others and Convention on the Elimination of All Forms of Discrimination Against Women protect women and girls from exploitation of prostitution and trafficking and have been instrumental in raising awareness of these forms of violence against women. Since the Beijing Platform for Action, the United Nations has adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, ratified by 93 State Parties to date.

The Protocol is significant in that it is the first United Nations instrument to explicitly recognize the need to address both the demand and the supply side of the issue of trafficking in persons. Article 9 (5) of the Protocol requires the States Parties to adopt or strengthen measures to discourage the demand that fosters exploitation of persons, particularly women and children, leading to increased trafficking. By cutting off demand, this provision seeks to eliminate the major source of illicit revenue, such as payments by buyers of prostituted sex, thus reducing the incentive for traffickers.

An example of a best practice toward eliminating this form of violence against women and in implementing Article 9 (5) to target the demand is violence against women legislation in Sweden. Since January 1, 1999, purchasing, or attempting to purchase, sexual services has constituted a criminal offense in Sweden, with a punishment of a fine or up to six months imprisonment. The law acts as a deterrent to trafficking. Over a thousand male buyers have been punished with fines under this law. According to the Swedish government, there are clear indications the law has had direct and positive effects in limiting the trafficking of women for prostitution in Sweden. For instance, Sweden's neighbors have had higher numbers of trafficking victims.

The United Nations has similarly begun to recognize that the demand for prostitution must be targeted to curb trafficking and the exploitation of women and girls. On October 9, 2003, the Secretary-General released a Bulletin regarding *Special measures for protection from sexual exploitation and sexual abuse*, which applies to all UN staff. (ST/SGB/2003/13) In the Bulletin, the Secretary-General emphasizes that "sexual exploitation and sexual abuse violate universally recognized international legal norms and standards" and thus prohibits the "[e]xchange of money, employment, goods or services for sex." The UN Department of Peacekeeping Operations has also adopted a trafficking policy addressing demand: "The use of prostitutes by UN personnel in mission areas constitutes exploitation and is prohibited. Even where prostitution is not a crime, the purchase of sexual services by UN peacekeeping personnel constitutes an act of sexual exploitation." (UN DPKO *Stop Abuse Report Abuse* pamphlet.)

When they are strictly implemented and enforced, such policies and legislation to hold perpetrators accountable are essential in any plan to eliminate forms of violence against women. As such, we urge the Secretary-General to not only raise the issue of demand for prostituted sex as driving force behind trafficking but to include policies aimed at eliminating demand as a best practice to eradicate trafficking, prostitution, and violence against women.

In contrast, practices that focus on legalization of prostitution or the decriminalization of the sex industry encourage and defend the commercialization of sexual exploitation. Legal legitimization of prostitution gives men moral and social permission to practice the prostitution of women and girls, which in turn encourages an increase in the demand that fuels sex trafficking. Janice G. Raymond, *Prostitution on Demand: Legalizing the Buyers as Sexual Customers*, 10 *Violence Against Women* 1156, 1183 (October 2004).

Key Recommendations

In 2002, the Coalition Against Trafficking in Women published an extensive study of five countries undertaken by an interdisciplinary, cross-cultural research team examining prostitution and trafficking in Indonesia, the Philippines, Thailand, the United States, and Venezuela. The study included a wide-range of recommendations, including measures to prevent trafficking and prosecute buyers, such as: ensuring that government policy does not promote prostitution, whether through legalization or decriminalization of the sex industry; decriminalizing victims of trafficking and women in prostitution; and imposing legal sanctions against buyers of women for commercial sexual exploitation. Based upon this study and other extensive research conducted by CATW and our colleagues, we urge the Secretary-General's study to include:

- Implementation of preventative measures such as public education campaigns which describe the risks of trafficking, prostitution, and related forms of sexual exploitation to potential victims, and which challenge the attitudes and practices of potential perpetrators that result in sexual exploitation
- Elimination by governments of structural factors that push women into trafficking and commercial sexual exploitation such as poverty, systematic violence against women, gender discrimination, and other forms of discrimination such as racism
- Increased support and services for survivors of trafficking and prostitution
- Promotion of effective laws against trafficking, prostitution, and related forms of sexual exploitation, including provisions criminalizing the demand for trafficking and prostitution
- Penalization of military and peacekeeping personnel complicit in prostitution and trafficking on both the supply and demand sides
- Development of training programs for government bodies such as law enforcement to hold perpetrators, including traffickers, pimps, and buyers, accountable rather than criminalizing victims
- Rejection of government policies promoting prostitution, whether through legalization or decriminalization of the sex industry

Conclusion

Trafficking and prostitution are forms of violence against women. If we are truly committed to women's human rights, we can achieve a world without sexual exploitation—a world in which all girls and women own their bodies and their lives. We urge the Secretary-General to include trafficking and prostitution in the study on violence against women, and to recognize that eliminating men's demand for prostituted sex is essential in ending trafficking and other sexually exploitative forms of violence against women.