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To: UN WOMEN
CC: UN High Commissioner of Human Rights

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EUROPEAN NETWORK OF MIGRANT WOMEN (ENoMW) is the only pan-European migrant-women-led platform that directly represents the opinion of migrant and refugee women at the EU and international level. The network membership include the women of Arab, African, South-/South-East Asian, Latin American and Eastern European descent and is made of over 30 migrant women grass-root and advocacy NGOs.

ENoMW VISION: Equal rights and fair treatment for migrant and refugee women of different ethnic backgrounds living in Europe

ENoMW MISSION: To prevent and combat discrimination and to promote the rights and interests of migrant and refugee women in Europe through coordinated advocacy, exchange of information, capacity building, projects and events, and to represent the interests of migrant women at international, European and national level.

ENOMW position paper on the discrimination against migrant & refugee women in Europe: <http://bit.ly/2cSfUvT>

Note on the Consultation Terminology:

ENoMW is strongly concerned by the UN WOMEN stepping out of its core mandate and using the term “sex work” in its official consultation. As a platform that represents the women disproportionately affected by prostitution, ENoMW rejects the term “sex work” as inconsiderate towards the reality of the vast majority of women in prostitution and derogatory to our members.

ENoMW emphasises that “sex work” is not an official UN terminology and contravenes such legally binding instruments as CEDAW, the UN 1949 Convention on prostitution and trafficking and the Palermo Protocol.

ENoMW notes that UN WOMEN using the term “sex work” interchangeably with “prostitution” undermines the UN internal protocols that explicitly “forbid sexual relationships with prostitutes”¹ as well as “exchange of money, employment, goods or services for sex”² and “condoning permissive environment for it”³. Furthermore it brings in question the intention and the coherence of the overall UN Policies on sexual exploitation - the human rights violation in which the UN missions have been numerous implicated⁴, described by the UN Security Council members as “the cancer in the United Nations system”⁵

ENoMW is deeply worried that in its consultation UN WOMEN does not pose any questions on the prevention and eradication of the sex trade, as mandated by the international instruments on gender equality and VAWG. Instead the consultation appears to be influenced by the framework on prostitution adopted by UNAIDS, the UN agency that is documented to have cooperated with now a convicted trafficker in formulating its position on the sex trade⁶.

¹ UN Charter and derived from it UN Peacekeeping Code of Conduct - <http://www.un.org/en/peacekeeping/issues/cdu>

² UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse

³ Letter from Secretary General Addressed to the President of the Security Council, February 2005, <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDocJ.pdf>

⁴ The cases of UN peacekeeping personnel sexual exploitation and abuse in operations ranging from those in Bosnia and Herzegovina and Kosovo in the early 1990s to Cambodia and Timor-Leste in the early and late 1990s to West Africa in 2002 and the Democratic Republic of the Congo in 2004, are listed in the UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse

⁵ <http://www.un.org/press/en/2016/sc12277.doc.htm>

⁶ <http://www.faber.co.uk/blog/a-human-rights-scandal-by-kat-banyard/>;

ENOMW Response to the ‘Consultation seeking views on UN Women approach to sex work, the sex trade and prostitution’

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?

A prostitution transaction is a sexual act in which the person seeking sexual gratification pays for a temporarily access to the body of another person and the suspension of her sexual autonomy and rights⁷.

A typical example of such a transaction is the one advertised by the chain brothel Pascha⁸ in Cologne, that offers daily “100 girls” to “800 customers”, all of whom are male, translating into an average of 1920 sexual acts with 1920 random men endured by one woman in a period of one year.

Whether a woman is forced, coerced or decides to consent to such a transaction out of economic necessity, prostitution – in all its forms – lies on the continuum of *unwanted sexual experience* and as such constitutes a form of Violence against Women.

The neo-liberal attempts to characterise prostitution as “work”, a “private transaction” and/or an issue that concerns exclusively persons selling sex, disregard **the core of the universal framework on violence against women**⁹, according to which, the root causes of prostitution - men’s sexual entitlement, traditional gender norms and women’s economic discrimination – are the root causes behind sexual abuse and rape¹⁰.

The attempts to dismiss this universal framework are also deeply unethical vis-à-vis the testimonies of the women subjected to prostitution:

As Nadia Mourad, the sex trade survivor and UN Goodwill Ambassador emphasises, a case of a single woman in the sex-trade is never an individual story. It is “about a collective suffering” of the most vulnerable, against which, “the world must feel a moral responsibility to act”¹¹.

In line with this position ENOMW firmly believes that,

- a. As an act perpetrated against an individual, prostitution is an **assault on individual human dignity, integrity, autonomous sexuality and the universal right to life free from violence.**
- b. As a practice perpetrated by one social group against another, prostitution is a **violation of women’s collective rights** to the life free from male violence, sexual objectification and sex-based stereotyping.
- c. As a system that extracts commercial profit from discrimination of a group, prostitution belongs to the **continuum of colonial, racist, class and legal status exploitation**

ENOMW admits that in a global climate that is so unfavorable to women, some will consent to have their rights and dignity affected by prostitution, if such a violation promises in exchange much needed albeit limited material benefits.

ENOMW emphasises, that this alone can never justify the collateral damage that the system of prostitution inflicts on individual women in the sex trade and ALL women, across economic, psycho-social and sexual domains.

⁷ World Health Organisation defines Sexual Rights, among others, as “*the right the highest attainable standard of health in relation to sexuality...respect for bodily integrity; choice of partner...and pursue a satisfying, safe and pleasurable sexual life.*”

⁸ <http://www.pascha.de/en/>

⁹ CEDAW, the UN 1949 Convention on prostitution and trafficking and the Palermo Protocol.

¹⁰ See UN Multi-country study on men’s motivations behind VAWG, which determines that 70%-80% of rapes “*motivated by sexual entitlement “as well as “boredom/desire for entertainment”*” (<http://www.svri.org/sites/default/files/attachments/2016-07-19/RBAP-Gender-2013-P4P-VAW-Report-Summary.pdf>)

¹¹ <http://www.nadiamurad.org/>

ENOMW draws the attention of the UN WOMEN, that despite the evidence¹² that in many societies women still “choose” to be subjected to Female Genital Mutilation for economic and/or cultural reasons, FGM has been internationally recognised as a form of VAW.

Similarly, the practice of prostitution should be, universally and without reservations, recognised as harmful to women, men and communities as well as incompatible with the human dignity and gender equality enshrined in the universal human rights instruments.

ENoMW reminds the UN WOMEN that this principle should *not* only apply to the women with secure economic, social and legal status. According to the 2030 Agenda, *leaving nobody behind* means “the focus on the women at the base of the economic pyramid, regardless of their characteristics and circumstances”¹³.

For us – migrant and refugee women - “the base of the pyramid” is not an abstract concept. It is a reality we live though. In the midst of clustered disadvantages – under restrictive EU labour laws, pushed into the precarious economy, with little recourse to justice - migrant women are over-represented in Europe’s sex trade.

This, however, does not speak of migrant women’s “choices”. If anything, it evidences the lack of economic opportunities, ethnic and legal status discrimination and men’s unquestioned demand for sex, of which migrant & refugee women become a day-to-day causality.

With over 60 million persons, including 11 million children, displaced globally¹⁴, individuals and criminal gangs repeatedly target women and girls fleeing danger, with the purpose of recruiting them into prostitution^{15 16}. In Europe alone there are at least 5.000 missing refugee girls¹⁷, while the ratio between girls and boys among the accounted unaccompanied minors is 1 to 10¹⁸, indicating that **migrant/refugee girls remain the group most vulnerable to abduction, trafficking and exploitation, including prostitution and on-line pornographic abuse.**

While traffickers, pimps and sex-buyers embrace the idea of “sex-work”, we - the women and girls migrants, refugees and those affected by conflict and displacement - refute prostitution as degrading and contrary to our fundamental rights, true aspirations and real potentials.

ENoMW strongly urges the UN WOMEN to stand together with us, recognise our full humanity and safeguard our universal rights leaving no woman and girl behind.

¹² “In countries where a high percentage of women and girls have had FGM, an equally high proportion of the female population think the practice should continue... with support for FGM generally stronger among women and girls from poorer backgrounds.” (“Addressing FGM in Development Projects and Programmes” <http://www.medinstgenderstudies.org/wp-content/uploads/AddressingFGMmanual.pdf>)

¹³ Leave No One Behind: A Call to Action for Gender Equality and Women’s Economic Empowerment, Report of the UN SG High Level Panel on Women’s Economic Empowerment, 2016

¹⁴ Uprooted: The Growing Crisis of Refugee and Migrant Children, UNICEF, September 2016

¹⁵ According to IOM only in Italy up to 80% of Nigerian women arriving by boat will be trafficked into prostitution in 2016 (<https://www.theguardian.com/global-development/2016/aug/08/trafficking-of-nigerian-women-into-prostitution-in-europe-at-crisis-level>).

¹⁶ EU-Turkey Deal is failing refugee women and girls, Women’s Refugee Commission, August 2016; #Women’s Voices, joint report by EWL, WRC and ENOMW

¹⁷ According to EUROPOL, at least 10.000 minor refugees and migrants are missing after they crossed European borders, (<http://missingchildreneurope.eu>), whereas UNICEF 2016 report above indicates that boys and girls migrate in equal numbers

¹⁸ Europe’s Man Problem, <http://www.politico.eu/article/europes-man-problem/>

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 a) reproductive rights; b) women's ownership of land and assets; c) building peaceful and inclusive societies; d) ending the trafficking of women; e) eliminating violence against women. How do you suggest that policies on sex work/trade/prostitution can promote such targets and objectives?

The United Nations define "sustainable development" as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹⁹. Contrary to this principle, prostitution compromises the ability of every future generation of women to meet their safety, dignity and equality needs. In particular,

- a) Prostitution prevents women from attaining **full sexual-reproductive rights** by subjecting ALL women/girls to the **gendered expectations of performative female sexuality**. Furthermore, it is well evidenced that regardless which legal forms the sex trade takes, women whose reproductive functions are commercialised through prostitution suffer extreme and multiple harmful health consequences²⁰
- b) Prostitution prevents women from attaining **full economic rights**, as it misguides society into false beliefs of prosperity through prostitution, whereas in most cases women in the sex trade do not gain, but lose already limited opportunities for economic independence, with particularly devastating effects on the lives of the most marginalised women, who become condemned to life-long poverty, abuse and low self-esteem²¹.
- c) No **peaceful society** can be achieved as long as VAWG intrinsic to prostitution, is tolerated. Just like it is impossible to achieve a peaceful community without putting an end to war, it is impossible to build an inclusive society when half of its population are ostracised through sexual objectification promoted by prostitution.
- d) Sex-trade is the environment where **trafficking in women for sexual exploitation** takes place.²² This is recognised by the Beijing Platform for Action, the Palermo Protocol and CEDAW, whereas the research on trafficking in countries with decriminalised prostitution repeatedly confirms this evidence.²³
- e) The failure to recognise prostitution as a violation of women's rights is incompatible with any framework that addresses VAWG. The rates of women murdered in prostitution in New Zealand, Germany and the Netherlands that fully decriminalise sex trade,²⁴ is an evidence that **prostitution, in itself, is a system that promotes male violence against women**.

Additionally, the attempts to normalise prostitution as "work" will drive funds away from prevention/support/exit programmes for women in prostitution and hinder the overall uptake of SDG5²⁵ by investors, as the root-causes of gender inequality underlying the sex-trade will no longer be viewed as a problem that needs to be solved.

¹⁹ United Nations Brundtland Report, <http://www.un-documents.net/our-common-future.pdf>

²⁰ Review of literature on sex work and social exclusion', UCL Institute for Health Equity, 2014 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303927/A_Review_of_the_Literature_on_sex_workers_and_social_exclusion.pdf)

²¹ India: My life in the 'red lights' of Sonagachi, UN Office on Drugs and Crimes, <https://www.unodc.org/southasia/en/frontpage/2010/March/red-lights-of-sonagachi.html>

²² The attempts to disconnect "sex work" from THB are particularly dangerous for the women in the regions with large sex markets and high rates of poverty. In countries like India it is "difficult to ascertain whether a sex worker is presently a victim of trafficking, was a victim of trafficking and choose to remain engaged in sex work" ("India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity"); "the economic boom has increased the demand for sexual services...leading to a resultant increase in the supply of the trafficked victims", (Human Trafficking in India: Dynamics, Current Efforts and Intervention Opportunities for the Asia Foundation", 2010)

²³ According to the 2016 USA State Report on THB, In Germany, "Most sex trafficking victims are exploited in bars, brothels, and apartments"²³ while in the Netherlands, "vulnerable Dutch girls are enticed into prostitution by male traffickers ('lover-boys')".

²⁴ See rates of prostitutes' murders in Germany, The Netherlands and New Zealand: <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:start>

²⁵ Sustainable Development Goal N5 – Gender Equality

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

ENoMW reminds UN WOMEN that, within the UN governing principles, it is an obligation of all UN agencies to abstain from minimising harms inherent to sex trade transactions.

ENoMW emphasises that similarly to other “traditional” systems of violence, such as racist segregation and discrimination against sexual minorities, the system of prostitution is not inevitable and can be addressed through comprehensive policy-provisions, targeted investment and change in social norms. Any policy that fails to take this approach and, instead, seeks to make the sex trade *more bearable* for women²⁶, betrays every prostituted woman’s right to a dignified life and places at risk the rights of ALL women and girls.

ENoMW, therefore, calls on UN WOMEN to adopt a policy that recognises prostitution as a form of systemic, structural and intimate male violence, within which no woman can be safe regardless what legal and material forms it takes.

ENoMW urges UN WOMEN in its policy to remain within its core mandate and commit to complete eradication of prostitution through meeting the following objectives:

1. Promote a coherent legal framework that recognises **Sexual Autonomy, Dignity and Integrity as inalienable right of ALL women**, in ALL circumstances and without bias to women’s migratory, economic or social status
2. **Promote Decriminalisation of All Prostituted Persons**, without bias to their migratory, economic or social status, accompanied by a provision of viable exit- and rehabilitation-programmes
3. **Promote Economic Empowerment of Women** with the interest of most marginalised women at heart, including investing in prostitution prevention schemes
4. **Promote Flexible Migration and Labour Policies** that facilitate
 - a. *legal & safe* ways for women to migrate
 - b. women’s access to *dignified employment*
 - c. acquiring and exercising *economic skills & qualifications*
 - d. disconnecting women’s legal status from their *rights to employment, justice, health and care*
5. **Recognise Sex Buyers as Perpetrators of Violence** and promote measures discouraging male demand for paid sex, including *punitive actions*²⁷ and *awareness-raising among men*
6. **Promote Comprehensive Sexual Relationships Education**, with a strong emphasis on:
 - a. Empowering *authentic non-performative sexuality & sexual autonomy of ALL women*
 - b. De-centralising male sexuality and *discouraging male sexual entitlement*
 - c. Deconstructing patriarchal myths that promote prostitution as work and economic activity for women
 - d. Educating on the harms of sex-trade to both women and men, within and outside prostitution, at personal, familial and communal levels, in psychological, sexual, physical domains.
7. Direct funds to objective, misogyny-free **Research & Data Collection on Prostitution**, evidencing
 - a. Psycho-somatic, sexuality and economic *losses inflicted on women in prostitution*
 - b. *Central role of sex buyers*, their attitudes and behavior towards women
 - c. *Central role of third party profiteers* of prostitution, including individuals, groups and states.
 - d. Economic and social *losses inflicted on communities* through prostitution

²⁶ see the change in German law from 02.09.16 that introduces compulsory use of condoms and self-reporting by prostitutes (http://www.bundesrat.de/SharedDocs/drucksachen/2016/0401-0500/457-16.pdf?__blob=publicationFile&v=1), widely criticised by the HR organisation as ineffective for protecting women

²⁷ See the evaluation of the effects of Sex Purchase Ban in Sweden in relation to rates of murder, trafficking and social norms: <http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>