

Brief on Human trafficking of women, girls and gender diverse people

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CAP International – The Coalition for the Abolition of Prostitution is a coalition made of 35 frontline & survivors-led NGOs in 28 countries, united around a common goal: the abolition of the systems of prostitution and trafficking in human beings for the purpose of sexual exploitation. Last year, CAP member organisations supported more than 17.000 prostituted persons in the world.

On the ground, we observe that women and girls in prostitution systematically belong to the most marginalized and vulnerable groups in society. In all parts of the world, poor, migrant and discriminated minority women make up almost the totality of those in prostitution. These realities also apply to Canada. For instance, in Western Canadian cities, an estimated 50 to 90% of women in prostitution are from Native communities, even though Native women represent only 4% of the country's total population.¹

The vast majority of prostituted persons have suffered from violence, often sexual, before entering prostitution. Most of them are also victims of many forms of violence while in prostitution (physical, verbal, sexual, psychological).

Thus, we observe that there is no such thing as "free" and "forced" prostitution: in reality, the sexual act obtained by sex buyers is always coerced. Coerced either by the physical coercion of traffickers and pimps, or by the socio-economic coercion that pushes the most vulnerable women and girls into prostitution. As a result, in countries that have attempted to build legislations based on a dissociation between a so-called "free" prostitution, reframed as "sex work" from a so-called "forced" prostitution, the same detrimental consequences have appeared both in terms of addressing demand, protecting victims and combating trafficking networks:

- **Male demand for the purchase of sex acts has exploded.** Germany, the Netherlands and Spain have become hotspots for sex tourism and human trafficking. Germany is now referred to as "The Brothel of Europe"², with 1 million men going to a brothel every day.³ In Spain, it has become normalized for young people to go to a brothel to celebrate a birthday or a success,⁴ and 40% of men acknowledge having paid for sex at least once.⁵ In the Netherlands, it is now legal for a driving instructor to request a sexual act as a means of payment from his students. The practice even has a name: "a ride for a ride".⁶

By comparison, in Abolitionist countries such as Sweden or Ireland for example, surveys indicate that the percentage of Swedish men who purchase sexual acts fell to 7.4 % in 2014 from 13.6 % in 1996, and only 0.8 % claimed to have purchased sexual acts in the past year.⁷ In Ireland, only 6% of men report having purchased a sexual act.⁸

- **The size of the sex trade has soared:** its value ranges from 12 to 18 billion euros in Germany, 14 billion euros in Spain. By comparison, in France, which has adopted the Abolitionist model, it barely amounts to 3.6 billion euros.⁹ By way of comparison with European states with similar demographics, it is estimated that there are 400,000 people in prostitution in Germany,¹⁰ which has a population of almost 83 million, 350,000 in Spain,¹¹ which has a population of 47 million, while in France, which has a population of 67 million, it is estimated that there are 30,000-37,000 people in prostitution.¹²

- **Legalisation has provided a legal facade used by international trafficking networks,** as described among others by Manfred Paulus, a German police officer in charge of the fight against human trafficking for 30 years, and now an EU expert: *In Germany we now have up to 100% of women imported from abroad for prostitution. It should be clear that a Belarusian woman from the Chernobyl area or a Roma from the ghetto in Romania can never make her way alone to Germany to work in prostitution. (...) The women are trafficked into the country, and in this sector, highly criminal structures have developed. Organised crime controls the business. The demanded distinction [between prostitution and human trafficking] gives reason for fearing the worst.*

There are obviously people involved who are not at all or too little informed about the milieu, and who, consciously or not, give in to the myth of "free" Prostitution, whispered to them by lobbyists. (...) But "voluntary" is just a magic word. If prostitution takes place "voluntarily", then the brothel operator, the bar owner and the john no longer have a problem. And then the police, judiciary and political systems are helpless. (...) Today we have "noble" brothels, decorated in marble and stainless steel. This does not exclude pimps hiding behind this facade, and behind them some mysterious company...(but) if we look behind this letter-box company, then we discover (Eastern European) clans and mafia or (well-known gangs)."

¹ Kingsley C., Mark, M., Sacred lives: Canadian Aboriginal children and youth speak out about sexual exploitation, Human Resources Development, 2001

² <https://www.bbc.com/news/world-europe-26261221>

³ <https://business.time.com/2013/06/18/germany-has-become-the-cut-rate-prostitution-capital-of-the-world/>

⁴ <https://eldiariosolidario.com/prostitucion-juvenes-espana>

⁵ <https://www.epe.es/es/igualdad/20220123/cuatro-espanoles-admite-haber-sido-13139177>

⁶ <https://edition.cnn.com/2015/12/21/europe/driving-lessons-sex-netherlands/index.html>

⁷ <https://vancouver.sun.com/opinion/columnists/outlawing-the-purchase-of-sex-has-been-key-to-swedens-success-in-reducing-prostitution>

⁸ <https://www.newstalk.com/news/just-one-15-men-say-purchase-sex-ireland-977486>

⁹ https://www.fact-s.fr/#gallery_5-26

¹⁰ <https://business.time.com/2013/06/18/germany-has-become-the-cut-rate-prostitution-capital-of-the-world/>

¹¹ <https://www.euronews.com/2022/06/08/spain-is-one-of-europe-s-biggest-markets-for-prostitution-but-for-how-much-longer>

¹² <https://arretonslesviolences.gouv.fr/sites/default/files/2020-04/Document%2010.pdf>

Organized crime has extended its control to territories where the regulatory model is in place. In the Netherlands, a joint report by the Municipality of Amsterdam and the Ministry of Justice also showed that a large part of the legal prostitution industry was controlled by trafficking networks for sexual exploitation.¹³

The legal façade also makes it difficult to identify victims of trafficking for sexual exploitation. For example, in Germany in 2019 only 427 victims were identified.¹⁴ In comparison, in France in 2021, 2367 victims were identified.¹⁵ Thus, almost 5 times more victims were identified in a country with almost 10 times fewer people in prostitution. In Spain, 160 victims were identified in 2020,¹⁶ 14 times less than in France. The comparative impact of the different models is evident.

The registration system has been proven irrelevant and inefficient and the « rights for sex-workers » have remained an illusion: In Germany, after 20 years of implementation of the “sex work” approach, only 23.000 prostituted persons¹⁷ of an estimated 400.000¹⁸ had asked for the “Sex-worker” legal status in 2021. Not because it provides “rights”, but because it was requested by brothels to keep their license. The vast majority of prostituted persons, even in a very “legalist” country such as Germany, have remained outside of the registration system, as the “rights” established by the regulatory legislation - that mostly consist on getting a registration number and having to undergo regular health checks - do not meet their primary need. Indeed, when we genuinely ask prostituted persons what they need, their primary answer is that they wish to exit.¹⁹

In the Netherlands, seven years after the adoption of the Dutch regulatory law, a report²⁰ by the Ministry of Justice revealed that there had been *no significant improvement in the situation of persons in prostitution* and that *the emotional well-being of prostituted persons [is now] lower than in 2001 in all measured aspects.*

Finally, legalization has not improved the safety of prostituted persons. On the contrary, it seems to have led to an explosion of violence. Since the German law was passed in 2002, 169 prostituted persons have been murdered in the country.²¹ To compare the situation between Germany and France, for example, since 2016 (when the abolitionist law was adopted in France), 15 prostituted persons have been killed in the country.²² During the same period, there were 56 victims in Germany.²³

There is international consensus on the need to target the demand that fosters trafficking, which is the demand for the purchase of sexual acts. It is expressed in particular in the Art.9.5 of the Palermo Protocol, the Art. 6 of the CEDAW Convention, and recently in the UN General Assembly Resolution 77/194 on trafficking in women and girls, which calls on States to *prevent and address, with a view to eliminating, the demand that fosters the trafficking of women and girls.* On this point too, the comparative impact of approaches that dissociate so-called “free” and so-called “forced” prostitution and the one of the Abolitionist approach is clear.

For example, Cyprus, which only penalizes the purchase of sexual acts from trafficking victims, has only prosecuted 3 sex buyers since 2019.²⁴ Germany and Finland, which only penalize the purchase of sexual acts if the sex buyer “knew” the person was a victim of trafficking, have prosecuted 0 and 2 sex buyers,²⁵ since 2015. In comparison, Sweden prosecuted 3,000 sex buyers between 2018 and 2021,²⁶ and France has prosecuted 7,743 since 2016.²⁷ Therefore, if the government of Canada seeks to *prevent the trafficking of individuals and ways to improve Canadian law enforcement’s capability to apprehend and prosecute perpetrators,* we strongly encourage to implement a model that allows to concretely discourage the demand that fosters trafficking.

Finally, the implementation of Abolitionist policies have reinforced access to justice, compensation and support for prostituted persons. Between 2016 and 2019, following the adoption of the Abolitionist law in France, a 54% increase in prosecutions against pimps and traffickers was observed, as well as a 7-fold increase in the volume of reparations received by victims.²⁸ Since 2016 in France, 1247 prostituted persons have benefited from a 2 years-long, state-sponsored exit programme, including access to financial, housing, psychological support, to a residency permit and vocational training, with a success rate of 95%.²⁹ Thus, the often-repeated myth that abolitionist laws make prostituted persons worse off is contradicted by reality: it is Abolitionist laws that have de-criminalised them, and that have facilitated and their access to police, judicial and support services.

Therefore, in order to really prevent the trafficking of individuals, find ways to improve Canadian law enforcement’s capability to apprehend and prosecute perpetrators and support the victims, we strongly encourage the reinforcement of Canada’s Abolitionist law, through the full decriminalisation of all prostituted persons, a reinforced implementation of sanctions for pimps and sex-buyers, as well as the provision of comprehensive exit strategies to prostituted persons, including the expungement of the criminal records of women related to crimes penalised under sections 213, 210.1 and 212 committed prior to 2014.

¹³ Gemeente Amsterdam, Ministerie van VeiligheidsJustitie; Projectgroep Emergo (2011), Emergo – De gezamenlijke aanpak van de zware (georganiseerde) misdaad in het hart van Amsterdam, Achtergronden, ontwikkelingen, perspectieven, Amsterdam: Boom Juridische Uitgevers.

¹⁴ <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandelBundeslagebild2019.html?nn=27956>

¹⁵ <https://www.interieur.gouv.fr/actualites/communiqués/traité-des-etres-humains-en-france-profil-des-victimes-accompagnées-par-#:~:text=Au%20final%2C%202%20637%20victimes,essentiellement%20ce%20type%20de%20victimes.>

¹⁶ <https://www.interior.gob.es/opencms/pdf/prensa/balances-e-informes/2020/Balance-Ministerio-TSH-2016-2020.pdf>

¹⁷ https://www.destatis.de/EN/Press/2022/07/PE22_277_228.html

¹⁸ <https://www.bbc.com/news/world-europe-26261221>

¹⁹ <https://www.irishexaminer.com/news/arid-30978567.html>

²⁰ Daalder, A. L. (2007) Prostitution in The Netherlands since the lifting of the brothel ban, The Hague: WODC / Boom Juridische Uitgevers.

²¹ <https://sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

²² <https://mouvementunid.org/prostitution-societe/dossiers/meurtres-dans-la-prostitution/#2002>

²³ <https://sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

²⁴ Office of Combating Trafficking in Human Beings of Cyprus, 2023

²⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016SC0159>

²⁶ Christian Frödén, Police Inspector, Operations Developer in Human Trafficking at Swedish National Police, Division for Innovation in Policing and Law Enforcement, UNODC Conference in Dubrovnik, 2023.

²⁷ Ministère de l’Intérieur, DCPI - mars 2023

²⁸ <https://www.interieur.gouv.fr/Publications/Rapports-de-l-IGA/Rapports-recents/Evaluation-de-la-loi-du-13-avril-2016-visant-a-renforcer-la->

²⁹ <https://www.causette.fr/societe/en-france/isabelle-lonvis-rome-je-souhaite-porter-une-nouvelle-strategie-nationale-de-lutte-contre-la-prostitution-a-la-rentree>