

SUB-GROUP: ELIMINATE TRAFFICKING

in women and assist victims of violence due to prostitution and trafficking

Lead

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Prostitution and trafficking in all forms depend upon the exploitation of women's and girl's vulnerabilities arising from a patriarchal societal system which creates inequality, exclusion, discrimination and abuse of power, and which is often underpinned by discrimination in the law. The #MeToo movement has been one example demonstrating the widespread nature of sexual coercion and the continuum of violence within which exploitation occurs. Trafficking for the purpose of "exploitation of prostitution of others or other forms of sexual exploitation" (Palermo Protocol) is the most prevalent form of human trafficking and women and girls are the most affected (UNODC, 2018). In Canada, 95% of all detected victims/survivors are female (mostly <25 years old and internally trafficked) (Statistics Canada, 2018) and in the EU two-thirds of those registered are female: Women and girls account for 95% of victims of sexual exploitation, 20% of labour and 68% of 'other forms', with a near equal split between those trafficked from within the EU or outside of it (European Commission, 2018). There is no official estimate in the U.S. and some challenge the veracity of such statistics due to the contrast between estimates and official numbers. Women and girls face recurrent sexual violence across all forms of trafficking (i.e. sexual abuse in domestic servitude).



Structural barriers and negative trends

What are the structural barriers and "root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women?" (Beijing Declaration and Platform for Action D3 130(b))

Gender Based Violence (GBV) is pervasive and perpetrators act with impunity

- Trafficking is a form of gender GBV linked to other forms of GBV: 30% of trafficking cases assisted by National Anti-trafficking Coalition Shelter (Albania) are divorced mothers with children who are former victims of domestic violence.
- 88.2% of top rated porn scenes contain aggressive acts (UN Broadband Commission on Digital Development, 2018); in 2018, there were 537 cases of trafficking into pornography identified in the US (Polaris National Human Trafficking Hotline, 2019).
- Low conviction rates for perpetrators in the trafficking chain - from recruiter to end user.

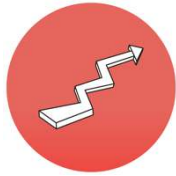
- Paying for sex with a victim of trafficking is sexual violence; many States fail to recognize prostitution markets as inherently linked to human trafficking “...making it much easier for traffickers who wish to use a legal environment to exploit their victims” ([Europol, 2016](#)).
- Women in prostitution “have the highest homicide victimization rate of any set of women ever studied” ([UNODC, 2019](#)).

Migrant and ethnic minority women are not sufficiently protected and supported

- Women and girls seeking asylum face lack of gender-sensitive processes in reception centres and higher risk of trafficking and gender-based violence.
- EU approach to migration emphasizes security over women’s human rights: In 2016, 80% of Nigerian women and girls arriving over Mediterranean are believed to have been trafficked into the sex trade; “It is urgent and important that the analysis of the data on the phenomenon of trafficking in human beings [...] shall be accompanied by a study of the market they are intended for and of the growing demand for paid sex services” ([IOM, 2017](#)).
- A majority of Europeans continue to view Roma people unfavourably ([Pew Research, 2019](#)), leading to higher rates of poverty and inadequate access to employment, housing, education, health and justice for Roma ([FRA, 2018](#)). Women from minority ethnic backgrounds like Roma women are overrepresented in prostitution in Western Europe and as victims of trafficking for sexual exploitation ([EWL, 2018](#)); ethnic minority women and girls and transgender women are particularly vulnerable to sex trafficking ([Public Defender of Georgia, 2018](#)).
- Native American and First Nations women and girls dramatically overrepresented in prostitution and trafficking in North America and high incidents of trafficking linked to the border with Mexico and immigration response (ICE) putting victims at higher risk (USA).

Female face of poverty

- Poverty, exclusion and gender stereotyping keep women in a position of vulnerability to prostitution and trafficking.
- The unemployment rate across the EU is higher for women than for men, and women are engaged in part-time work three times more than men ([Eurostat, 2019](#)). Predatory capitalism creates demand for exploitable labour; high unemployment and lack of gender sensitivity in welfare systems ensure there is a steady supply of victims of exploitation.
- Austerity, reduced spending for social programmes, and privatisation of public services have hit women particularly hard. 86% of the burden of austerity has fallen on women (UK), forcing some to engage in or return to prostitution ([House of Commons Work and Pensions Committee, 2019](#)). The link between lack of affordable and accessible social services (especially healthcare, child and elderly care) and prostitution and trafficking cannot be overstated.
- The sex trade preys on women’s poverty and vulnerability, but is highly profitable for exploiters: sex trafficking nets \$99 billion USD globally and the highest profit per victim is made in developed countries ([ILO, 2014](#)).



Progress on implementing the Beijing Platform for Action

Ratification and enforcement of international conventions (BPfA D3 130(a)):

- SDG 5.2, despite being on the elimination of trafficking and sexual exploitation, does not have any corresponding indicators, and has received less attention than, for example, SDG 8.7 (such as through Alliance 8.7); European Commission data shows projects focused on sexual exploitation significantly underfunded compared to labour.
- Implementation of international conventions remains weak and immigration legislation contradicts trafficking legislation: Most female victims of labour trafficking are exploited in domestic servitude yet the Overseas Domestic Workers Visa (UK) leaves domestic workers tied to abusive employers.

Measures to address the root factors that encourage trafficking

Including strengthening existing legislation to provide better protection of women and girls' rights and punishing perpetrators through criminal and civil measures (BPfA D3 130(b))

- Women face fines and imprisonment resulting from regulations penalizing them for being in prostitution, which may lead to loss of custody of children, increased debt to traffickers or lengthy prison sentences (USA), with a chilling effect on potential victims. In Albania, victims of trafficking have been convicted for "exercising prostitution" whilst their pimp/s are convicted for the exploitation of the prostitution of the victims.
- Women continue to face the disproportionate burden of child and elderly care and no measures for recognition and redistribution of unpaid care work have been taken.
- Despite the clear link between social protections and prostitution and trafficking (as outlined above), states continue to defund or privatise public services, and implement austerity.

Cooperation by relevant law enforcement authorities to dismantle trafficking networks (BPfA D3 130(c))

- UK exit from EU threatens backslide on European efforts to combat THB, putting victims at risk of losing protections, assistance, support that are currently provided for under the EU Anti Trafficking Directive, as well as impacting on efforts to prevent and prosecute (i.e. potential for downgraded Europol membership).

Allocate resources

To provide comprehensive programmes to rehabilitate victims into society, and cooperate with NGOs to provide social, medical and psychological care of victims of trafficking (BPfA D3 130(d))

- Victim identification remains weak, with competence to identify victims residing solely with the national police (Spain) or formal certification dependent upon criminal conviction (Germany). Official data in the USA and non-EU European states and disaggregated by sex remains scarce.
- Many governments, particularly in Central and Eastern Europe, do not allocate adequate funds for victim assistance, and where they do, NGOs avoid being critical of

their governments for fear of losing their funding. Many NGOs continue relying on donor funding.

Develop educational and training programmes and consider enacting legislation preventing sex tourism (BPfA D3 130(e))

- EU Anti-Trafficking Directive remains best practice for setting minimum standards on victim protection. Individual member states taking further measures to end trafficking/sex tourism, i.e. Sweden tabling legislation to criminalise paying for sex abroad.
- The city of Seville (Spain) uses the fines of buyers of prostitution to develop prevention and awareness-raising programs on sexual exploitation and THB. There is also a trafficking pro bono legal service at the Seville Bar Association.



Recommendations beyond Beijing+25

Prevent: States must provide long term and standardized educational programs focused on key issues such as: respect, dignity, health, sexual and reproductive rights, challenging of gender stereotypes and harmful practices (such as early and forced marriages, male entitlement to access women's bodies, etc.)

- Reverse austerity measures and budget cuts to public services and ensure that vulnerable women have access to affordable healthcare, housing, and childcare, as well as access to the labor market, loans, property rights, reduced gender pay gaps. Recognise, value and redistribute unpaid care work.
- States must take measures to address the issue of birth registration, especially for vulnerable groups such as Roma, migrant and refugee and rural women.
- **Prosecute:** Ratify and implement existing international treaties on sexual exploitation, including CEDAW and the Palermo Protocol, which specifically prohibit the exploitation of the prostitution of others including pimping, procuring and the running of a brothel and ratify and implement existing international treaties on labour exploitation, including the new Protocol on Forced Labour and ILO convention C190 to end violence and harassment in the workplace. States must have clear provisions for punishment of all forms of trafficking (internal and external).
- Create a specific instrument at EU level to tackle sexual exploitation of all forms, including online and in prostitution, as part of a continuum of violence against women.
- States must apply the non-punishment principle by taking measures to ensure victims of trafficking are not penalised for infractions committed related to their exploitation and that their records are cleared. In particular, decriminalise people in prostitution.
- States must at a minimum criminalise paying for sex with victims of trafficking and minors. In many European countries, a criminal offence for paying for sexual acts under any circumstances has been shown to be the most effective means to reduce demand for sexual exploitation and curtail trafficking (Immigrant Council of Ireland, 2018).
- Trafficking must become a crime of low profit, high risk. States are urged to follow the money from start to finish and freeze assets, which may also be used for compensation.
- States must take all necessary measures to ensure perpetrators' accountability and punishment measures introduced for perpetrators of different related forms of violence.

- **Protect:** Improve capacity of authorities to screen for trafficking indicators, especially for migrants/street children and include NGOs/social services in formal victim identification.
- Funding must be ring-fenced for services for survivors, and services must be trauma-informed and victim-centered/oriented across all professions (judges, police, prosecutors). Services must include access to witness protection programmes.
- States must take all necessary measures to collect sex-disaggregated data and gendered statistics on all forms of trafficking (trafficking for the purpose of forced labour needs specific attention i.e. in agriculture).

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