

**TRAFFICKING IN MIGRANT WOMEN FOR EXPLOITATION IN PROSTITUTION:
ROOT CAUSES, IMPACT ON VICTIMS, BEST PRACTICES AND RECOMMENDATIONS**

**PROSTITUTION AND TRAFFICKING
IN WOMEN: TWO INTERDEPENDENT
SYSTEMS OF MALE VIOLENCE**

Nearly 20 years ago, in its Action Plan to Combat Trafficking, Organisation for Security and Co-operation in Europe (OSCE) concluded that the 'root causes of trafficking in human beings, occurring both in countries of origin and destination, remain insufficiently tackled'. Demand for sexual exploitation was identified as one of such root causes, along with the widespread sex discrimination, violence against women, racial and economic inequalities, conflicts and wars, among others. (OSCE, PC.DEC/557).

In the European Union, since 2009, both human trafficking and sexual exploitation of women and children are explicitly considered in the Lisbon Treaty extending the Union's competence for the harmonisation of criminal law. On this basis, in 2011, European Union adopted a directive on preventing and combatting trafficking which clearly recognised trafficking in women for the purpose of exploitation in prostitution as a gendered crime - qualitatively different from other forms of trafficking in its root causes and its impact on victims - that required solutions grounded in a comprehensive understanding of this crime as a form of violence against women. The directive also recognised that addressing the demand was a measure that states must be encouraged to take for the effective eradication of trafficking in human beings.

The importance of addressing demand for sexual exploitation and prostitution had already been foregrounded in international law, when in 2000, the United Nations adopted a protocol on trafficking, known as the Palermo protocol, obliging states parties "to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking" (Palermo Protocol, Art. 9.5)

At the same time, the understanding of trafficking in women for the purpose of exploitation in prostitution as a particular form of discrimination and violence against women had been previously elaborated in the Convention on the Elimination of Discrimination against Women (CEDAW) - the major international 'bill of rights for women' that developed the concept of *de facto* or *substantive equality* for women. Since its adoption in 1979, the convention has been ratified by all EU states and incorporated in the European Union's law.

Article 6 of CEDAW provides that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". This understanding of 'exploitation of prostitution of women' as a form of sex-discrimination, incompatible with women's human rights and *de facto* equality for women, was consistent with a more general notion of *incompatibility of prostitution with human dignity* spelt out in international law as early as in 1949, in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

In 2011, Council of Europe adopted a key instrument on preventing and combatting violence against women, known as the Istanbul Convention. The convention explicitly posited that the "realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women" (Istanbul Convention, Preamble), thus, once again, placing the crimes of male violence against women within a wider framework of sex discrimination as defined in the Convention on the Elimination of Discrimination against Women (CEDAW).

In 2020, CEDAW Committee adopted its General Recommendation on trafficking in women and girls in the context of global migration, in order to assist states parties in their interpretation and implementation of CEDAW Article 6. In this general recommendation, the Committee explained: "A gendered analysis of the crime reveals that its root causes lie in sex-based discrimination, including the failure to address the prevailing economic and patriarchal structures and the adverse and gender-differentiated impact of States parties' labour, migration and asylum regimes that create the situations of vulnerability leading to women and girls being trafficked." (CEDAW GR N38, I.1).

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This Directive recognises the gender-specific phenomenon of trafficking and that women and men are often trafficked for different purposes. For this reason, assistance and support measures should also be gender-specific where appropriate. The 'push' and 'pull' factors may be different depending on the sectors concerned, such as trafficking in human beings into the sex industry or for labour exploitation in, for example, construction work, the agricultural sector or domestic servitude.
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EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

**SEX TRAFFICKING
Gendered Crime
Sexed Phenomenon**

An overwhelming majority of victims of human trafficking for the purpose of sexual exploitation - the most prevalent form of trafficking - are females. In contrast, the traffickers and exploiters of the victims are overwhelmingly male.



A crime that is at the heart of male violence against women requires a response that takes into account the power dynamics between women and men. A programme of support to victims of trafficking must acknowledge the different experience and needs of female victims when compared to male victims. These differences are linked to biological, socio-economic, and political factors.

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Violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women.
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Council of Europe Convention on preventing and combating violence against women and domestic violence, 2010

Today, over a decade since the adoption of the EU Anti-Trafficking directive and the Istanbul convention, two decades since the adoption of the Palermo protocol, and four decades since CEDAW coming into force, in Europe, trafficking in women for sexual exploitation remains the most widely spread form of exploitation (Europol, 2021). It also remains one of the most underreported crimes with some of the lowest rates of prosecution (OSCE, 2021). As pointed out in the EU Strategy on Combatting Trafficking 2021-2025, "the low numbers of prosecutions and convictions of traffickers still mean that trafficking is a low-risk and high-profit crime".

Collection and analysis of evidence in six EU states done through the COALESCE project (*Mind the Gap* national reports, *GeSIM Guidebook for Practitioners*, *GeSIM Evaluation* national reports) confirmed that some of the factors preventing victims from engaging with the justice system are their profound disempowerment, including deep psychological and sexual traumas inflicted on women in prostitution by traffickers and buyers of sexual acts, economic and social dependency, fear of reprisals from traffickers, fear of deportation, mistrust in authorities, as well as their general lack of knowledge of local/national legal and social systems.

The low rates of reporting and prosecution, however, have never been the responsibility of the victims. Along with the victim-related obstacles identified in the project, what COALESCE experience demonstrated is that a number of systemic and far more significant factors prevent victims from accessing justice and holding their perpetrators accountable for the crimes.

Primarily, those factors lie in the reluctance of authorities to identify victims of trafficking for sexual exploitation, in the failure of judicial systems to effectively engage with the victims and in the persistent systemic barriers to services and rights that victims are entitled to (lack of safe accommodation, child-care, employment, appropriate medical, psycho-social and legal support, compensation and legal status).

Finally, the root cause driving trafficking in women for sexual exploitation, i.e. a widespread culture of impunity of perpetrators in the context of widely normalised sexual objectification and exploitation of women and girls - was a recurring theme that informed the COALESCE analysis of the systemic failures to support the victims. Along with the demand side of trafficking that the EU as a whole has failed to address since the adoption of EU anti-trafficking directive, all experts in the COALESCE partnership observed with concern the persistent reluctance of policy-makers and relevant authorities to identify and address trafficking for prostitution as a form of violence against women with severe and long-lasting consequences on victims' lives. Minimising harms to which sexually exploited women are exposed has been observed to serve as a normative framework within which the implementation of state obligations under international and EU law becomes 'unnecessary' and is often ignored.

These observations are consistent with those of the CEDAW Committee that notes that "*Sexual exploitation persists due to the failure of States parties to effectively discourage the demand that fosters exploitation and leads to trafficking. Persistent norms and stereotypes regarding male domination and the need to assert male control or power, enforce patriarchal gender roles and male sexual entitlement, coercion and control, which drive the demand for the sexual exploitation of women and girls*" (CEDAW, GR38).

When the sex trade in women and accompanying it crime of trafficking are not seen as violations of women's human rights, this has a direct impact not only on the behaviour of perpetrators and the ever-increasing number of trafficked women. It affects the entire legal and social system in which justice cannot be served to the victims, as no harm is seen to have been done in the first place. At a grassroots level, it produces conditions in which service-providers carry a disproportionate burden of responsibility for the safety, wellbeing and rights of the victims, all the while providing services within severe budgetary constraints, by overwhelmed and frequently rotating staff, in the organisations surviving from one project to another among the continuously shifting priorities and expectations of funders, including state authorities.

Most significantly, the failure to treat exploitation of prostitution - statistically, the main purpose of trafficking in women - as a grave violation of fundamental rights and a serious form of gendered violence, is failing the victims, and, in particular, migrant women victims.

As observed in the 2022 international report on sex buyers, "*Objectification and dehumanisation deprive a woman of her personality and dignity. Objectification is especially devastating for women who are racial or ethnic minorities, indigenous, or disabled. In prostitution these groups of women are treated with unique levels of cruelty by freiers [buyers] and traffickers because they are defined by their perpetrators as non-human or less-than-human*" (Farley, 2022).

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Despite the plethora of existing anti-trafficking legal and policy frameworks at the national, regional and international levels, females continue to comprise the majority of detected victims of trafficking across the world and perpetrators enjoy widespread impunity.

Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation N38, 2020

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PERPETRATORS Gravity of harm to Female victims

Frequent health consequences observed by medical professionals in trafficked for prostitution women include gonorrhoea, chlamydia, trichomonads, genital warts, syphilis, hepatitis, HIV, infertility, unwanted pregnancies, indigestion, vomiting, malnutrition, eating and nervous disorders, insomnia, depression, PTSD, thrombosis, pelvic degradation, inflammation of the abdomen and ovarian tubes, vaginal, anus and rectum tears, fissure, deliberately inflicted injuries, dizziness, headache, sleep difficulty, poor concentration, memory problems, difficulty following directions, low frustration tolerance, fatigue, appetite and weight changes, substance abuse, concussion, traumatic brain injury, self-harm, suicide and death (Bissinger, 2019; Farley, 2018).



Most men who pay for sexual acts with women in prostitution are aware of the grave physical, psychological and sexual harms to which sexually exploited women are subjected by both traffickers or pimps and end users. They are also aware that these women may be victims of trafficking and are under control of their traffickers and pimps (Farley, 2022).

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Users are directly and indirectly responsible for all of the harm suffered by VoTs [victims of trafficking], and this harm is multi-faceted: the harm of being trafficked for the purpose of sexual exploitation, the harm of non-consensual sex due to having been trafficked, and the harm of supplementary violence or force used during the prostitution transaction. The harm is also highly gendered, overwhelmingly created by men and predominantly, though not exclusively, suffered by women and girls, and disproportionately suffered by racial and ethnic minorities.

OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2021

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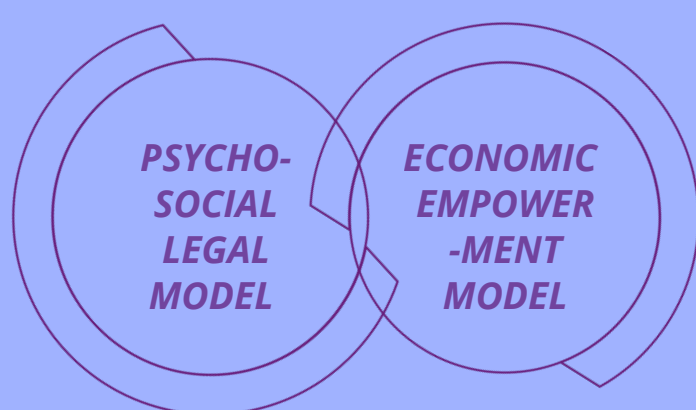
GeSIM MODEL ON VICTIM ASSISTANCE

GeSIM stands for the *gender-specific integration model*, where particular attention is paid to the gendered power relations between women and men, and the gender regime underlying the historic structural inequalities between the sexes. In relation to trafficking for sexual exploitation, "the gender regime is understood as the institution of prostitution which hosts the bulk of the crime of trafficking of women for sexual exploitation, while the gender relationship is the one seen between men who purchase "sex" on the one hand and women – including trafficked migrant women – on the other" (Yonkova, 2020).

The GeSIM model incorporates and builds on the *11 Best Practice Principles of Assistance to Female Victims of Trafficking**, and it combines two aspects of victim support: Psycho-Social Legal Model & Economic Empowerment Model. As such, it creates a comprehensive methodology, designed and tested by specialist service providers, to support trafficked, sexually exploited migrant women.

Under the GeSIM framework, Psycho-Social Legal Model (PLM) is a bridge between the medical and legal approaches in service provision for victims of sex trafficking. It ensures that service providers never lose sight of the **severe trauma their legal clients might be suffering**. While the psychological and thus medical approach can provide the tools for individual support of the female victim of human trafficking, the legal model can ensure that **the individual mental distress of a victim is not seen as 'accidental' but is legally mapped within the system of patriarchal inequalities and in a larger context of human rights violation**. The psycho-social legal model thus guarantees a double protection to female victims of trafficking in human beings. At the same time, *Economic Empowerment Model (EEM)* equips the women to move forward with their lives, reducing the risks of re-trafficking, secondary victimisation and sexual abuse, while improving their confidence and forward-planning. It enables the women to reach **financial independence** and gain **personal autonomy**, two intertwined aspects that are denied to women as a result of trafficking and exploitation in prostitution.

GeSIM Model



The implementation of the combined psycho-social-legal and economic-empowerment models highlighted the initial thesis of COALESCE: continuous and ongoing legal support is required for women victims of human trafficking. This includes, for example, having to address the **insensitivity of family unification policies** to the female victims of trafficking as a cohort with distinctive needs, neither identical to those of male victims nor other family unification cases. Similarly, the **legal and/or social barriers to access to employment** for the victims, as well as precarious nature of informal employment, were confirmed as serious risk factors for the women to relapse in the system of exploitation and be re-trafficked and/or re-victimised.

As GeSIM model maintains, providing legal services is only one aspect of the support of women victims of trafficking. Through COALESCE's ongoing assessments of victims' situations, the state sponsored and/or private **accommodation for female victims was deemed unsuitable and unsafe** in the majority of cases having negative impact on women's mental and physical health, causing re-traumatisation and preventing meaningful integration. Accessible and affordable childcare, once again, was confirmed as paramount for the economic independence and recovery of the women.

Notably, **with over 115 third country national women** benefitting from the COALESCE's methodology in four EU states, the GeSIM model demonstrated its **potential for a long-term empowering impact on women's lives** many of whom expressed interest and/or enrolled in continued learning and language courses, requested personal therapy and social support (in accessing medical services or opening a bank account) and conveyed the sense of being **empowered from professional and peer-to-peer female support groups**, regaining the sense of being connected with both wider community and the selves. Overall, the GeSIM model proved to be **a rich and holistic tool** that could assist in long-term integration programmes for women survivors of sex trafficking.

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Member States should ensure that migrant, refugee and asylum-seeking women and girls are not imposed penalties, including the loss of lawful migration or refugee status, as a consequence of their exploitation as victims of trafficking in human beings.

Council of Europe, Recommendation on Protecting the Rights of Migrant, Refugee and Asylum-seeking Women and Girls, 2022

MIGRANT WOMEN VICTIMS Assistance Needs



***11 Best Practice Principles on Assisting Female Victims of Trafficking elaborated through ASSIST project:** 1- Access to and duration of assistance | 2- Specialised legal assistance | 3- Attention to motherhood and children | 4- Safe and appropriate accommodation | 5- Psychological assistance | 6- Medical assistance | 7- Training and education | 8- Borrowing good practice from other areas of response to violence against women | 9- Feminist independent services | 10- Voices of victims-survivors | 11- Peer-to-peer support

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Victims of trafficking should have access to appropriate and safe accommodation that allows them to escape from traffickers and that is adapted to their specific needs and circumstances. Safe shelters are needed for children, women and men. Same-sex shelters that also provide trauma-focussed support can effectively help victims' recovery.

EU Strategy on Combatting Trafficking in Human Beings 2021-2025

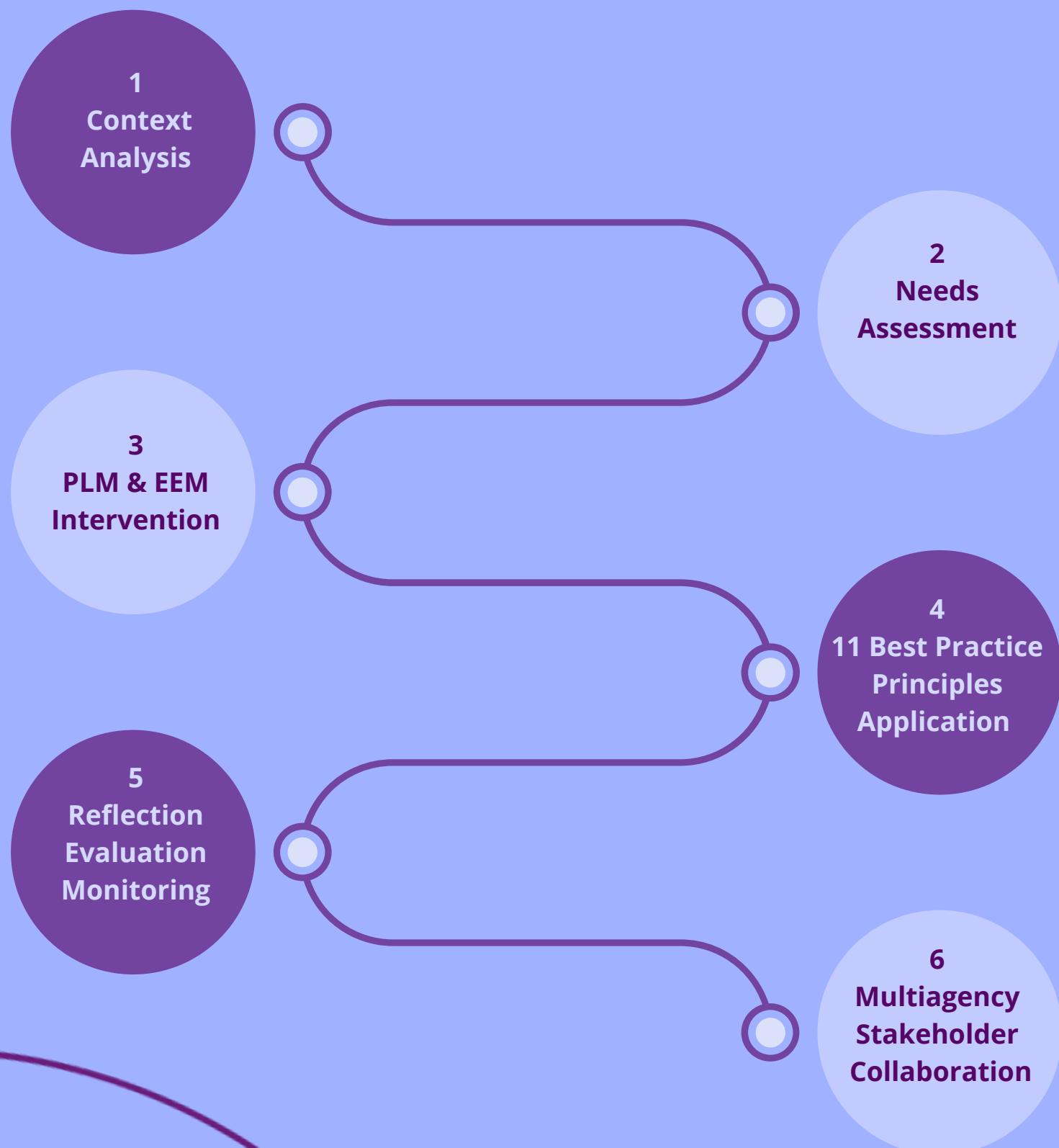
EVIDENCE BASED REFLEXIVE APPROACH TO VICTIMS NEEDS

For a female victim of trafficking for sexual exploitation, a system of support is not merely a help she receives. Having been subjected to some of the most hideous forms of sexual violence which in many instances amount to inhuman treatment and torture, for the victim, the system of support means a life-transforming experience that can truly change the course of her life.

With this understanding, COALESCE is not merely a project of victims assistance, but a holistic system, incorporating both specialist tools and methods and ongoing knowledge exchange among the experts to adjust and improve those tools in accordance to victims' complex realities and needs. In this holistic system changing the individual conditions of the victims is intrinsically linked with changing the social and legal conditions which can prevent or facilitate victims' recovery. It is also a process of critical analysis and reflection, rooted in the understanding of the systemic nature of violence and discrimination against women and other forms of social inequalities and injustices.

The COALESCE methodology of social change aims to create concrete interventions based on **critical feminist analyses, collaborative projects with transnational scope, institutional, stakeholder and beneficiary engagement, and a critical investigation of the social and policy implications of the interventions short- and long-term.** The purpose of the theory and methodology of social change that functions as a foundation for the COALESCE programme, is to conceptualise, implement and evaluate a holistic set of social and policy interventions, which aim to improve and substantially transform women's lives.

As a result, in the process of its implementation, evaluation and monitoring methodology of COALESCE has become a continuous and reflexive process that helped identify challenges and successes, contributed to the design of social interventions for the women and directed towards the new areas of interventions. The methodology of the project implemented simultaneously across several EU states supported the initial thesis of COALESCE's replicability in other national contexts. It also highlighted the ongoing need of local and EU stakeholders to engage in knowledge exchange and meaningful dialogue to improve multiagency cooperation.



The existing practice of responding to victims of gendered crimes such as rape and domestic violence indicate that independent, specialist, feminist organisations with all-female and woman-centred staff are best equipped to design and implement recovery interventions. Similarly, in the context of the gendered crime of trafficking of women for sexual exploitation, organisations with similar features would be best positioned to assist victims.

Best Practice Principles of Assistance to Migrant Female Victims of Trafficking for Sexual Exploitation

COALESCE Theory of Social Change

experience & research based | **RELIABLE**
 supported by resources | **ACHIEVABLE**
 stakeholder supported | **SUPPORTED**
 transferable to other contexts | **TESTABLE**



Theory of change helps identify solutions to effectively address the root causes of problems that hinder progress, and guide decisions on which approaches should be taken. It is a method that explains how a given intervention, or set of interventions, is expected to lead to specific development change, drawing on a causal analysis based on available evidence. A theory of change aims at bringing clarity and quality to the process of programme design and implementation using a simple, flexible methodology.

In order to help victims/survivors out of poverty, socio-economic support must be offered. In order for victims to leave prostitution permanently, they must be able to meet their basic needs - material needs in particular. Support should therefore include access to a monthly financial allowance, decent housing, education and vocational training, as well as access to psychosocial and medical support

Last Girl First Report, CAP International, 2022



WAY FORWARD

EU and Member states policy

In the post-pandemic context socio-economic inequalities, war and conflict put extreme pressure on front-line organisations providing support. At the same time women and girls affected by sexual exploitation need specialised and trauma-informed services. That is why **designing and implementing positive measures and focussed interventions for female victims of trafficking**, as mandated by international (CEDAW) and EU law (EU Charter on Fundamental Rights, Directive on equal access of goods and services, Anti-Trafficking Directive), including their long-term integration, is ever important.

In the EU, the crimes of trafficking in women for prostitution, and **the rights of and assistance to third country national victims, should be dealt with, as an issue of violation of fundamental rights of women and a form of violence against women**, not as an issue of (irregular) migration. Women beneficiaries are specific distinct categories of vulnerable women and should be treated by separate social interventions as such.

The European Commission should be able to provide funding, and in-depth mapping of resources, toolkits and service delivery guides that have already been developed and streamlined to **ensure that best practice standards can be sustained and measured across the EU**. In addition, successful projects must be provided with the opportunity for a more sustainable funding and longer implementation period.

Given the documented lack of progress in eradicating trafficking in Europe, it is evident that without preventive measures addressing the demand side of trafficking for sexual exploitation, no reasonable amount of interventions will be able to sustain the constant and growing pressure arising from the ever more complex needs of trafficked into Europe women, ever more abused, traumatised and brutalised through sexual exploitation. Today, forty years since CEDAW coming into force, **addressing the demand that fosters all forms of sexual exploitation - including pimping and profiting from prostitution of others, as well as the end users of exploited women** - remains the only adequate solution to the root-cause of the Europe-wide sexed and gendered phenomenon of trafficking in women.

Service Provision, including law enforcement

Service providers, including law enforcement, migration authorities, health professionals and legal practitioners, must undertake **systematic training to understand the feminist principles of dealing with violence against women, trafficking and sexual abuse**, which is a repeated form of violence and torture. Such trainings should be understood as an essential part of victim assistance, by both funders and those who design the support programmes. Specialised support services that respond to specific needs of women who are victims of trafficking and sexual exploitation are indispensable. Women's individual needs, cultural background, linguistic heritage, family/maternity status, all must inform the victims-centred approach which, in itself, must be **compulsory** in any service provision for trafficked, sexually exploited women.

Safe housing, single sex accommodation, psychological and mental support, economic empowerment and autonomisation, in addition to **holistic legal assistance** that never loses sight of the trauma endured by women exploited in prostitution, are all essential elements that contribute to the success of victim-support programmes, and, eventually, to the healing, empowerment and social integration of the female migrant survivors of trafficking and other forms of sexual abuse. These elements, strongly advised by treaty bodies (CEDAW and GREVIO committees), along with the recommendations from the Council and Europe, OSCE and the European Commission itself, must constitute the **prerequisites** for any programmes and projects aiming at supporting the victims of trafficking for sexual exploitation, as well as the **indicators** for measuring the victim-centred methodology of such programmes. The legal status of victims should be granted without prejudice as to victims' cooperation with law enforcement authorities and/or women's un/documented status, and, when such barriers are in place, they should never be used to limit trafficked women access to essential for their recovery services.

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International human rights law imposes positive obligations on States to identify victims of trafficking, a duty placed firmly on States, irrespective of the lack of self-identification by a victim.

Victims of trafficking have a special status and a right to special assistance and protection measures provided by the State.

Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation N38, 2020

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RIGHTS BASED SOLUTIONS

Support Victims Criminalise Demand



As reiterated in the EU Strategy on Combatting Trafficking 2021-2025, "Demand fosters all forms of exploitation of people in vulnerable situations, which traffickers take advantage of, in particular, in high risk sectors and high risk environments. In the case of sexual exploitation, prostitution, escort services, massage parlours, bars and nightclubs are high risk environments"

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Given the role of demand as a primary root cause of trafficking, particularly of women and girls, the prominent place of demand in a number of international instruments and political commitments, and the function of demand in fuelling the market for the services of trafficking victims, consideration of demand should be fully integrated into national efforts to combat THB, including prevention

OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2021

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About COALESCE project and partnership:

COALESCE, funded by the Asylum Migration and Integration (AMIF) Fund, is a two year project (2021-2022), led by the Mediterranean Institute of Gender Studies (MIGS) in Cyprus in partnership with Refugee Council of Cyprus (CyRC) and CARITAS in Cyprus, SOLWODI Deutschland e.V. (SOLWODI) in Germany, Immigrant Council of Ireland (ICI) in Ireland, Associazione IROKO Onlus in Italy, Marta Centre in Latvia, Klaipeda Social and Psychological Support Centre (KSPSC) in Lithuania, and European Network of Migrant Women (ENoMW) in Belgium/EU. The objective of COALESCE was to support the female migrant victims of trafficking in human beings for sexual exploitation in Europe by providing women-centred psycho-social, legal and economic assistance to third-country national women victims of sex trafficking, to develop synergies in needs identification and assistance of victims, and to improve transnational cooperation among frontline professionals.

Read more: www.migrantwomennetwork.org/coalesce

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