

## European Network of Migrant Women's Submission to the UNSRVAWG's consultation on prostitution and violence against women and girls

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The European Network of Migrant Women (ENOMW) is the only pan-European migrant women led platform that directly represents the views of migrant, refugee and asylum-seeking women and girls at the EU and international levels. The network's membership includes women of Arab, African, Latin American, South / South-East Asian and Eastern European descent and counts over 50 organisations, in 23 states, advocating for non-discrimination and equality for migrant women. ENOMW's missions are related to the prevention and combating of all forms of discrimination impacting migrant women and girls and to promote their rights and interests through advocacy, capacity building and direct action.

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### PROFILES OF VULNERABLE GROUPS: PROSTITUTION IN EUROPE

Prostitution lies within the same mechanisms of other forms of violence against women. 95% of people in prostitution in Europe are women and girls, and 99% of buyers of sexual acts are men. The average age of entry into the prostitution system is young. In Europe, 70% of those exploited in prostitution are girls and young women aged between 13 and 25 and the same percentage of the exploited women are migrant. These data display an evident unbalance in power. While prostitution root causes lie in the structural system of inequalities between women and men that fuels all forms of male violence against women and girls, there are numerous vulnerability factors that catapult women into commercial sexual exploitation: youth, poverty, homelessness, disability, childhood sexual violence or incest, racial or ethnic disenfranchisement, conflict or natural disasters, militarisation, lack of knowledge about their rights, legal status, addictions, residence in state institutions, being a single mother, and always, an absolute absence of choice.

**Poor women** are more at risk to enter prostitution due to the lack of economic opportunities. A striking example provided by the European Union Agency for Fundamental Rights (FRA) in their 2014 report is Greece, where the number of women in prostitution increased by 30% between 2008 and 2013, coinciding with the financial crisis in the country. For this reason, sometimes, prostitution is even referred to as **“survival sex” - a term that conceals the fact that an act of prostitution is always an unwanted sexual act, and thus, an act of violence, and therefore, can never be defined as sex.**

**Displaced women and girls, women and girls in conflict/war zones**, and women and girls in zones of natural disasters are also particularly targeted due to their specific vulnerabilities. In 2022, OSCE noted new patterns of sexual exploitation online in connection with the war and humanitarian crisis in Ukraine. Specifically, they detected a spike in the demand for sexual access to Ukrainian women, with online demand for “Ukrainian porn” increasing by 600% and for “Ukrainian escorts” by 200%.

**Asylum seeking women**, often undocumented, are also particularly vulnerable to prostitution, as asylum legislation is often focused on preventing irregular migration and does not consider that **VAWG is one of the main causes that make women and girls flee. Women are often forced into prostitution during the migratory route, in refugee camps and/or when they settle in their country of destination.** Many are also coerced into forced marriages, a hidden form of prostitution. When migrant women remain undocumented, they lack access to protection and services, unable to escape violence and exit prostitution networks.

### LEGAL GAPS AT EUROPEAN UNION'S LEVEL:

In 1949, in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others spelled the **incompatibility between prostitution and human dignity, hence with a fundamental human right.** The CEDAW Convention of 1979 recognized trafficking in women and exploitation of prostitution of women as a particular form of discrimination and violence against women and is now also incorporated into EU Law. At the EU level, Article 3 of the Charter of Fundamental Rights states that **“everyone has the right to physical and mental integrity”.** Prostitution, leading to physical and/or psychological suffering, causes damages to a woman's integrity. On this reading, the harmonisation of criminal law in the European Union, was already considered in the Lisbon Treaty (2009) in relation to human trafficking and sexual exploitation that spelt out both as particular

serious crimes that the jurisdiction was entrusted to set minimum standards on for the EU member states. This set the ground for the adoption of a Directive on Preventing and Combating trafficking in 2011, clearly mentioning sexual exploitation in prostitution as a “gendered crime”.

**However, “prostitution” in itself has not been legally defined by international or EU law so far, leading to discrepancies and gaps in the understanding of this form of violence against women in different countries.**

In its September 2023 resolution 2022/2139(INI) , the European Parliament (EP) reaffirmed that prostitution is a form of violence against women, defining it as the solicitation, acceptance or obtainment of a sexual act from a person in a situation of prostitution in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit<sup>1</sup>. To avoid the circularity of this definition, “from a person in a situation of prostitution” could be replaced by “from another person”. A proper definition should also acknowledge that most persons in prostitution are women and girls whereas the vast majority of users are male<sup>2</sup>. As other crimes of global dimensions of male violence against women, such as female genital mutilation, forced marriage and child brides, ‘honour’ killings and rape, prostitution must be defined as to reflect the **gendered nature of sex-based discrimination against women** that underpins the existence of prostitution as a system and not as a sporadic phenomenon. Such definition will elicit appropriate state responses to **discrimination that women as a group have endured systemically and historically in prostitution. Such a definition should encompass all forms of commodification of the body and sexual exploitation**, which would make it easier to provide information on the reality of prostitution and limit its trivialisation. It would also make it possible to **simplify the number of offences associated with prostitution** and address its hidden forms and make it easier for professionals to understand and control this phenomenon as well as to step up the fight against certain Internet advertising sites.

The aforementioned European Parliament resolution also questions the legal definition of consent, stressing the need for the parties involved to be autonomous and free from any type of coercion, including financial transactions. In fact, feminist advocates, researchers and legal scholars in the past years have been critically assessing the robustness of the concept of “consent”. Women are not always free to make choices in their sexuality while unequal power structures persist in society.

**The purchase of sexual acts underlies an unequal relationship and unbalance of power, in which one buys off the non-desire of the other, by paying for her consent to have her sexual rights and boundaries suspended, as indeed, her inalienable human dignity and integrity.**

#### VAWG AND GROSS HUMAN RIGHTS VIOLATIONS LIVED BY WOMEN IN PROSTITUTION:

The reality of prostitution shows the recurrent use of coercion, blackmail, threats, physical and sexual violence and incur into debts that are impossible to repay. Many women and girls are subject to violence before being exploited in the system of prostitution. In the European networks of prostitution, many victims are bought in Eastern Europe and brought to houses where they are subjected to several forms of violence, collective rapes, reclusion, deprivation of basic needs, torture. The violence continues during the exploitation in prostitution, carried out by pimps and end users. An assessment carried out by the German Ministry for family affairs in 2004 found that 87% of women in prostitution were exposed to physical violence, 82% to psychological violence, 92% to sexual harassment and 59% to sexual violence<sup>3</sup>.

For hundreds of thousands of women and girls in the prostitution system, there is almost total dependence on pimps, based on emotional manipulation, deception, threats and, above all, massive violence. As a result, they are left defenceless to sexual exploitation, violence and abuse. Migrant women are often unable to free themselves from such situations, often because their identity documents have been withdrawn. In the experience of ENOMW who maintain contact with survivors of prostitution across Europe through and beyond its membership, those in prostitution, including its most glamorised settings, are subjected to multiple rapes, humiliating, degrading and painful practices that daily endanger their physical and mental health. This leads to lasting trauma and serious, irreversible physical damage, particularly in the vaginal and anal areas (for example, early incontinence in young women) and in the oral and dental areas. Pimps constantly “recruit” new, younger women and girls, exerting extreme pressure on them leading to a sharp “price deflation” in the sexual acts on offer. These prices are often dependent on the ethnicity, age and physical appearance of the women, leading to dehumanisation and racist violence. Indeed, the obligation on the women to earn a fixed minimum amount each day (to pay the “rent” for being

<sup>1</sup> European Parliament, *Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights*, resolution, 2023

<sup>2</sup> *Ibid.*

<sup>3</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend : *Gender Datenreport », Kapitel 10: Gewalthandlungen und Gewaltbetroffenheit von Frauen und Männern*, P. 651-652, 2004. Cited here: [https://www.trauma-and-prostitution.eu/en/2018/06/19/the-german-model-17-years-after-the-legalization-of-prostitution/#\\_edn9](https://www.trauma-and-prostitution.eu/en/2018/06/19/the-german-model-17-years-after-the-legalization-of-prostitution/#_edn9)

exposed in prostitution windows and/or pay their “debt” to the pimp/trafficker) means that they are forced to satisfy almost all the demands of the buyers, even the most unbearable, without being able to set any limits. Earnings are generally entirely passed on to the pimps; many women and girls in prostitution have almost no income of their own. Even after many years, they generally have no savings to make the transition to a “normal” life, which is often made impossible by lasting trauma.

The traumatic consequences, assimilated to that of a victim of torture or combatants in war zones, on the women enduring this repeated violence are also well documented. Depending on the study, the rate of post-traumatic stress disorder varies between 68% and 80%, but it is always considerably higher than in the rest of the population. Women in prostitution also often fall in a state of dissociation, leading to a compromised sense of self-preservation and exacerbating their vulnerability, ultimately perpetuating their involvement in prostitution<sup>4</sup>. Other serious repercussions on health encompass dysplasia, prolapse, injuries, depression, addiction, and even the risk of suicide. These are exacerbated by the difficulty in accessing appropriate healthcare. The life expectancy of women in prostitution is estimated at around 40 years<sup>5</sup>, far below the global average of 73.4 years reported by the WHO.

**Prostitution situations are always multi-traumatic, with repeated and prolonged violence constituting serious attacks on the psychological and physical integrity and fundamental rights of the human being; repeated unwanted sexual intercourse; commodification of her body; disregard for her personality; denial of her desires; ignorance of her human identity (she is interchangeable); assimilation to a totally submissive sexual object; humiliation and insults.**

#### SUPPORT FOR MIGRANT WOMEN AFFECTED BY PROSTITUTION:

Systemic lack of specialised support services for the victims aggravates their condition. States should guarantee safe accommodation, child-care, employment, appropriate medical, psycho-social and legal support, compensation and access to at least a temporary residence status (in the case of undocumented migrants) to the victims of prostitution. These should include support and protection to accompany women and girls exiting prostitution, as many fear the consequences on their physical integrity, on their families, on their employability, among others. Indeed, our expertise shows that the best way to protect women commodified through prostitution is to provide them with the services they urgently require basic needs for their and their children’s survival (food, housing, clothing, medical services, childcare) and tools to help them rebuild their lives (education and training, psychological or psychiatric treatment and counselling, substance abuse rehabilitation). Also critically important is to advocate for laws and policies that exonerate them from police arrest and criminal punishment and instead hold their buyers and profiteers accountable for the irreparable harm they perpetrate. Effective support also requires disposing of the necessary budgetary and human resources. On the one hand, this involves investing in specialised training for the different types of staff involved in the provision of such support services. On the other hand, it requires the provision of long-term funding to local organisations working closely with the victims to enable them to plan more structured and continued actions. Another area of improvement is the access to justice for the victims and effective mechanisms of accountability. Several factors prevent victims from reporting to justice. The collection of evidence in six EU states in the COALESCE project found that the main causes of underreporting are trauma, economic and social dependency, fear of reprisals from traffickers and buyers, fear of deportation, mistrust in authorities and lack of knowledge of the system<sup>6</sup>.

Finally, the pan-European abolitionist model (or Nordic / Equality model) is needed to criminalise pimps and buyers with the effect of fighting criminal networks profiting from sexual exploitation directly and indirectly. It is simply not possible and not feasible to continue to recuperate the victims of prostitution when a new supply of (migrant women) victims is already on the way to satisfy the male sexual demand at the root of the prostitution system. An abolitionist approach has the potential to truly address prostitution and the violence connected to it. In ENOMW experience from the ground, women in prostitution and those wishing and ready to exit it, enjoy far greater rights, protections and benefits (recognised status of a victim, access to compensation, housing, legal status, training and employment opportunities) in the countries that adopted the Nordic model compared to those that adopted an approach liberalising prostitution, decriminalising the main perpetrators of violence in it, the end consumers and mediators. As a Network we reject the false narratives that present the normalisation of exploitation of migrant women as a “solution” to migrant women’s socio-economic problems as it does not reflect the lived realities of migrant women.

<sup>4</sup> Salmona, Muriel. « Chapitre 29. La dissociation traumatique et les troubles de la personnalité. Ou comment devient-on étranger à soi-même », Roland Coutanceau éd., *Troubles de la personnalité. Ni psychotiques, ni névrotiques, ni pervers, ni normaux...* Dunod, 2013, pp. 383-398. <https://www.cairn.info/troubles-de-la-personnalite--9782100598694-page-383.htm>

<sup>5</sup> Trinquart, Judith. “Corps disloqués, âmes brisées : conséquences psychiques et physiques de la prostitution sur les personnes qui la vivent”, 2 décembre 2014. Available at: [https://sisyphe.org/imprimer.php3?id\\_article=5011](https://sisyphe.org/imprimer.php3?id_article=5011)

<sup>6</sup> Coalesce consortium. (2021) Policy Brief, available at [www.migrantwomennetwork.org/wp-content/uploads/EU-COALESCE-POLICY-BRIEF-1.pdf?media=1705347985](http://www.migrantwomennetwork.org/wp-content/uploads/EU-COALESCE-POLICY-BRIEF-1.pdf?media=1705347985)

This is also confirmed by research that shows different types of legislation on prostitution in relation to homicides in prostitution with the states with an abolitionist legislation (France, Norway, Sweden) displaying the lowest rates<sup>7</sup>.

#### HIDDEN/NEW FORMS OF PROSTITUTION:

**Online prostitution:** Street prostitution is still very strong but has declined in many parts of Europe. When it exists, in particular in legalised (Germany, Netherlands) or “tolerated” (Belgium) settings, it is almost exclusively prostitution of migrant women, often structured by criminal networks made of local and migrant (predominantly male) groups recruiting the women in countries of origin and exploiting them in countries of destination. In Europe, indoor prostitution has historically been chosen by criminal networks from Central and Eastern Europe, which move around on sex tours, and by South American nationals. It has been developed by networks, mainly Asian, that operate massage parlours. The use of social networks and online advertising platforms, combined with the widespread use of new information and communication technologies, facilitates prostitution. The mobile phone is also a tool of control, since it ensures that victims are always available and have a permanent long-distance contact with their recruiter, pimp or buyer. This is particularly true in the case of minors, who often make intense use of their smartphones and the Internet and are ill-equipped to protect themselves from the sometimes perverse effects of the virtual world, which increases their vulnerability. Social networks facilitate the identification and recruitment of teenagers with a view to their exploitation via the publication of advertisements on exchange platforms, sites dedicated to escorting or social networks such as Facebook, Instagram, Snapchat or Twitter. They also facilitate direct contact with buyers via chat rooms and the distribution of intimate images and videos (cam girls). However, these online prostitutional situations are virtually not tackled by legal systems.

Online prostitution facilitates cross-border prostitution or so-called “city” pimping: This form of exploitation, which is particularly prevalent in the major conurbations, relies on the organised roaming of victims. It can even be a daily occurrence in certain border areas, with networks using different legislation to their advantage, residing in countries where pimping for profit is not punished and sending victims to a territory where undeclared prostitution is free. In the Bas-Rhin region, for example, the police estimate that 250 people living in Kehl (Germany) are prostituted every day in Strasbourg (France). While some assume webcam prostitution would be “safer”, in fact there are not only the same but also new risks involved in this expanding form of prostitution: privacy violations, dangerous interactions with clients, legislative gaps, harassment, blackmail, etc. The discrepancy between the existing figures and the scale of prostitution via the Internet should force public authorities to increase resources of the police and gendarmerie services to effectively combat pimping and trafficking via social networks and the Internet. Those involved in the fight against pimping stress the time-consuming nature of online surveillance and patrols. Increased infiltration of networks would require more human and digital resources to complement traditional investigative techniques.

**Pornography/filmed prostitution:** Studies have shown that a majority of prostituted women are subjected to pornography. 53% of women prostituted at WHISPER had their prostitution filmed by sex buyers or pimps, at a time when mobile phone cameras were not yet widespread (Giobbe, 1990). Another study showed that when women and men were filmed, it caused them even more emotional distress than non-filmed prostitution: people whose sex buyers or pimps had filmed their prostitution showed much more severe symptoms of post-traumatic stress than those who had not been filmed (Farley, 2007). While in prostitution, 76% (78/103) were filmed or photographed. Of our respondents who were prostituted, 64% (65/102) had been filmed or recorded without their consent. “The issue of consent in pornography is an extremely undocumented and little understood process; therefore, it warrants substantially greater attention” (Guinn, 2006).

**Forced Marriages:** Forced marriages present a particular nexus between prostitution and VAWG. While not being initially understood as related to trafficking, in the course of the evolution of anti-trafficking legislation, forced and child marriages have become increasingly recognised as both a form of sexual exploitation and a purpose of trafficking in women and girls. Indeed, based on these observations, the European Commission in 2023 initiated an amendment of the 2011 EU Directive on Trafficking in Human Beings. While the 2011 version of the directive mentioned forced marriages in the preamble under “other” possible forms of trafficking in exploitation, in the new version of the directive (now agreed by the EU Parliament and EU Council), forced marriage will be enshrined as a distinct purpose of trafficking, along with illegal adoption and exploitation of surrogacy. In the experience of ENOMW, forced and child marriages are a violation of women and girls’ rights, particularly relevant to migrant

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<sup>7</sup> Nordic Model Now, study, available at: <https://nordicmodelnow.org/myths-about-prostitution/myth-the-nordic-model-is-more-dangerous-for-sex-workers-than-decriminalisation/>

communities<sup>8</sup>, structurally related to prostitution and sexual exploitation. Victims of forced marriage, statistically, are more likely to become victims of domestic, sexual, economic and psychological violence all of which are characteristic of prostitution. Furthermore, extreme control and subjugation of women in forced marriages by their perpetrator-husbands (and sometimes an entire family of the husband), creates an “ideal” context in which commercial sexual exploitation can take place. Women subjected to forced marriages (often through “order bride” schemes) can become exploited by their husbands, who acts as a pimp disposing of victim’s sexual body for commercial profit among male friends, wider networks and online. Victims of forced marriage who become mothers in such situations, are often threatened by their husbands with divorce, loss of access to children as well as, frequently, “sending them back home”, unless they comply with every demand of the now husband-pimp.

**Temporary marriages:** Temporary marriages, known as Nikah Mut’ah, as an outlet of prostitution is another phenomenon which growth ENOMW has observed in the recent years. Practised in certain ethnic-religious communities, temporary marriages arrangements, facilitated by individuals, always males, in positions of religious authority, are always at the benefit of the male who orders such arrangements and to the detriment of a woman prostituted through it. Practically no research in this topic exists in Europe.

**Prostitution in refugee camps:** Prostitution in the refugee camps and other temporary accommodation for refugees in Europe presents a special phenomenon that at once is highly hidden and wide-spread. Sexual exploitation in the camps is perpetrated by a whole range of actors: male relatives (including husbands, brothers and fathers), camp guards, police and army personnel, migration officers, as well as, sometimes, NGO and volunteer workers. In the course of the decade ENOMW came across of multiple accounts of women prostituted in camps, including the cases leading to women’s disappearance and murder. Exacerbating factors in the camps are over-crowding, lack of access to proper sanitation, mixed-sex housing, the lack of safe spaces and general lack of single-sex accommodation, in the context of extreme material deprivation and absence of any financial autonomy for women, prison-like conditions, deteriorating mental health, and lack of access to information and resources. These factors create the conditions in which dehumanisation is normalised, and commodification of women and girls becomes a transactional currency in the hands of those in even relative position of power. Once a woman or girl in a camp is prostituted once, the rumour quickly spreads through a small camp community making her the target of endless sexual harassment and abuse. To maintain sexual access to the victim, perpetrators often use blackmailing techniques threatening her with a potential exposure of her intimate images to fellow refugees or family at home, or exposing them on social media. This creates a well founded threat persecution within the camp and threat to life, forcing women to self-isolate, flee and sometimes, suicide.

**Massage parlours:** Prostitution taking place in massage parlours in many European cities affects predominantly specific groups of migrant women, among them Thai and Romanian women are frequent victims. For Thai women in particular the language barrier and cultural isolation play a significant factor of vulnerability. Many of these women arrive to Europe with a genuine hope to work as masseuse and become gradually coerced into prostitution by massage room managers who act as pimps. The stereotypes of ‘submissive Asian women’ and ‘sexualised exotic services’ provided by these women, fuels the demand for their prostitution. According to the reports of ENOMW members who provide direct services to Thai women and support their exit from prostitution, most Thai women, once caught in a circle of sexual exploitation, suffer from severe mental health consequences with some being hospitalised with psychosis like symptoms. Unable to communicate the causes of their trauma and faced by cultural incompetence of health professionals, these women are often medicated and deprived of liberty for a prolonged period of time, before they are released back into community with untreated, and often worsened psychological symptoms, leading to their re-traumatisation and further exploitation.

## LANGUAGE / TERMS:

The terminology used to address the prostitution phenomenon is far insignificant. Different misleading, non legal and harmful concepts have been normalised in academic research, NGO reporting and sometimes even within policy makers (“forced prostitution”, “survival sex”, “sex work”, etc). To make the abuse invisible, a semantic veil is drawn over the serious violence and violation of dignity that is inherent to prostitution. Using a terminology that does not reflect the reality of prostitution also has an impact on data collection, hindering reporting, analyses, policy making and effective enforcement of laws. For example, if prostitution is not defined as violence per se, and only trafficking for its purposes is, this leads to the lack/absence of funding and services to prevent and/or help exit prostitution. For this reason, the countries with decriminalised and legalised pimping systems such as Belgium, Netherlands, Germany, Austria, Switzerland, have virtually no exit services for women in prostitution. For migrant

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<sup>8</sup> Fundamental Rights Agency, Addressing forced marriage in the EU: legal provisions and promising practices, available at [https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf)

women this is particularly detrimental as their capacity to exit situations of exploitation are often proportionate to the support opportunities they can receive. Furthermore, the “sexual freedom” narrative created a discrepancy between the desire for sexual liberation for women and indifference to the suffering of women in prostitution who are victims of exploitation and dehumanisation.

**The ideology of ‘sex work’ is radically opposed to the right of all women to sexual autonomy. It arbitrarily endorses the idea that women’s sexuality is necessarily a “service” for men and should therefore be paid for and professionalised. The massive and organised nature of pimping trades, with various forms and outlets, and the consequences they have for the most vulnerable mean that we can speak of a systematic denial of the humanity of the people (in vast majority women and girls) who find themselves as victims: a crime against humanity.**

**To conclude**, it is impossible within the context of prostitution to secure women’s and girls’ rights and equality with men and boys, to eliminate violence against women. Prostitution embodies discrimination against women. We know of no woman who has developed her full potential or built economic security through prostitution; the minute she is no longer bought, she is bereft of income with no financial security. The almost systematic availability of paid sexual acts to (almost exclusively) men contributes to a vision of sexuality that is violent and humiliating towards women. Achieving equality between women and men and effectively tackling male violence against women and girls worldwide therefore necessarily involves deconstructing the system of symbolic violence associated with it and its semantic paraphernalia. For migrant and refugee women in Europe, the system(s) of prostitution - often but not always of cross-border nature - have become a “sector” in which they become often segregated cutting these women off meaningful economic opportunities, career growth and personal development and social networks that are already very fragile for most migrant women. The propagation of mediatic representations of migrant women as “free-will agents” in prostitution who arrived in Europe for “easy money” or who “enjoy prostitution as a form of liberation from oppression”, is widespread both in right and left wing sides of the political spectrum, contributing to gross misrepresentation of the lived realities of women in prostitution and desensitising the public towards migrant women’s dehumanisation, while justifying their inferior treatment.