

Commissioner Helena Dalli
European Commission,
Berlaymont, 1049 Brussels

Copy: Josep Borrell Fontelles, High Representative/Vice-President
EU Mission by the UN
Irena Moozova, Director of Equality and Union Citizenship, DG Just
Evelyn Regner, Chair of FEMM Committee of the European Parliament

Brussels, 13.03. 2021

First para of BPfA - an “agenda for women’s empowerment”

“Women’s empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace (Beijing Declaration, para. 13)

“Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace (Platform for Action, para.1)

Subject: 65CSW – CSO integrating the delegation of the European Commission

Dear Commissioner Helena Dalli,

The sixty-fifth session of the Commission on the Status of Women is about to take place from 15 to 26 March 2021. It takes stock of the Beijing Declaration and Platform for Action, the most the progressive agenda to date on women’s empowerment. This is the largest UN gathering after the General Assembly, a **political process at global level pushed by Women’s Organizations.**

As you know **the Human Rights of more than half of the population were only acknowledged in 1993** at the Vienna Conference on Human Rights, merely 28 years ago. The Beijing Declaration and Platform for Action was only adopted in 1995, merely 25 years ago. This is an unfinished agenda worldwide and in the EU.

To ensure the full implementation of all 12 critical areas of concern of the BPfA there is a broad consensus that the full engagement of a strong women’s civil society is the key factor. Unfortunately, after 25 years there are no resources and sustainable funding to women’s organisations both in and outside the EU, at a time when everyone acknowledges that a strong women’s civil society is crucial to ensure progress in women’s rights to date is not rolled back, now even more in light of the disastrous consequences for women of the COVID-19 pandemic. Political and financial support is needed to ensure the **participation and full impact of women’s organisations within the CSW65 and Generation Equality processes around Beijing+25.**

Violence against women, a pervasive feature in all countries, but only visible and openly acknowledged by the international community in the last decades, is a concerning trend worldwide, despite the commitments made by States within the Strategic Objective D of the BpFA.

Para 113 of BPfA defines "violence against women" as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Prostitution, as you are certainly are aware of, is one of the many forms of violence against women that the BPfA refers to in the Strategic Objective D – Violence against women, and also in Strategic Objective L – The girl child.

39. The girl child of today is the woman of tomorrow. (...). They are often subjected to various forms of sexual and economic exploitation, paedophilia, forced prostitution (...)

93. (...) Adolescent girls are both biologically and psychosocially more vulnerable than boys to sexual abuse, violence and prostitution, and to the consequences of unprotected and premature sexual relations. (...). Young men are often not educated to respect women's self-determination (...)

122. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. (...)

Take appropriate measures to address the 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, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

231. (n) Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children;

Additionally,

Article 83 TFEU (ex Article 31 TEU) states:

The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Whereas the new EU Strategy on Gender Equality states:

Women and girls form the vast majority of victims of trafficking in human beings, both in and outside the EU, and are mostly trafficked for the purposes of sexual exploitation. The EU addresses trafficking in human beings comprehensively through coordination in all relevant areas. Countering impunity of users, exploiters and profit-makers is a priority.

For this reason we, the undersigned organisations, are writing to you today with a **great concern, as we took knowledge that in the EU CSO delegation, one of the five organisations selected by the European Commission is a global advocate for decriminalisation of all aspects of the sex trade, including pimping and buyers of sex acts, CREA.**¹

This is particularly concerning in light of the recent Resolution of the European Parliament on Gender Equality which emphasises that,

J. (...) Member States need to design their social and economic policies in such a way as to help vulnerable women and girls to leave prostitution (...)

K. (...) prostitution, trafficking in persons, particularly women and children, for sexual exploitation is a form of slavery and incompatible with human dignity, particularly in countries where the sex industry has been legalised; whereas, as a result of the increase in organised crime and its profitability, human trafficking is on the rise around the world; whereas the prostitution market fuels the trafficking of women and children and exacerbates violence against them, particularly in countries where the sex industry has been legalised (...)

And

32. Urges the Commission to present the long-awaited EU strategy on the eradication of trafficking in human beings and underlines the need for a clear recognition of the gendered nature of human trafficking and sexual exploitation, where women and girls are the most affected; acknowledges that sexual exploitation for surrogacy and reproductive purposes or purposes such as forced marriages, prostitution and pornography is unacceptable and a violation of human dignity and human rights; requests, therefore, that the strategy look closely at the situation of women in prostitution, with a special focus on the link between prostitution and the trafficking of women and minors, in the EU and worldwide.

Additionally, with regards to migrant women, the European Parliament Resolution on Sexual Exploitation and Prostitution and Gender Equality

35. Condemns any policy attempt or discourse based on the notion that prostitution can be a solution for migrant women in Europe

We find it very **difficult to understand that the delegation representing women's rights in Europe includes a New York/Delhi based group that advocates for the normalisation and sanitisation of prostitution which, according to the European values, principles and resolutions, constitutes a form of violence against women and girls globally², and, in particular, an organisation that advocates for the promotion of prostitution as a way out of poverty for migrant women³.**

Considering European Union's priorities and commitments on prostitution, sexual exploration and trafficking in women and girls, we would have expected the EU CSW delegation to include, instead, one of the survivor-

¹ <https://creaworld.org/contact/>

² <https://www.facebook.com/CREAworld.org/photos/5519634571395383>

³ <https://www.facebook.com/CREAworld.org/photos/5523528514339322>

led organisations, such as SPACE International⁴ many of which members are located in Europe and represent the interests and voices of the women exploited in prostitution.

This is all the more shocking as last November 2020, the **CEDAW Committee adopted its General Recommendation 38, which focuses on Article 6 of the Convention**. This article deals with the issues of trafficking and prostitution and refers in particular:

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

As you certainly are aware of, the General Recommendations are interpretative and recommendatory texts that make explicit the provisions of CEDAW and that point out legal implications and political responsibilities that States that have ratified the Convention must take into account.

Given this context, we are writing you to as women's human rights organisations from all over the EU requesting clarification on the criteria and process underlying the selection of CSOs integrating the delegation of the European Commission and we look forward to hearing from you soon.

Yours sincerely,

European Network of Migrant Women (ENoMW)

Portuguese Platform for Women's Rights

SPACE International

⁴ <https://www.spaceintl.org>