

## URGENT – VOTING RECOMMENDATIONS

On the PACE report “Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation” AS/Ega (2024) 22

Paragraph	Original text	Amendment	Explanation	VOTE	Tabled by
<b>Title</b>	Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation	Protecting the human rights and improving the lives of <b>persons in prostitution</b> and victims of sexual exploitation	The terminology “sex work”/ “sex worker” is contrary to the UN and EU agreed language which upholds “prostitution”/ “persons in prostitution” as neutral terms.	+	Laura Castelli Fort & Alessandra Maiorino
<b>A.1</b>	Sex workers are part of society and are entitled to safety, respect for their dignity and protection from discrimination. Their agency, bodily autonomy and self-determination should be acknowledged, and their opinions should be listened to. Sex workers are a diverse group and come from all walks of life. As the vast majority of them are women, sex work is particularly relevant to questions of gender equality and women’s rights.	<b>Persons in prostitution</b> , are part of society and are entitled to safety, respect for their dignity and protection from discrimination. Their <b>rights</b> should be acknowledged, and their opinions should be listened to. <b>Persons in prostitution</b> are a diverse group and come from all walks of life. As the vast majority of them are women, prostitution is particularly relevant to questions of gender equality and women’s rights.	<p>The terminology “sex work”/ “sex worker” is contrary to the UN and EU agreed language which upholds “prostitution”/ “persons in prostitution” as neutral terms. “sex work” is an ideological term that deliberately includes prostitution within the field of labor, with the objective of legalising all aspects of the prostitution system.</p> <p>The International law indeed specifically recognises prostitution as “<i>violation of the dignity of the human person</i>”<sup>1</sup>. Thus, it is difficult to understand how an activity recognised as a violation of human dignity could be recognised as a form of work, especially when the PACE promotes and protects “<i>access to decent</i></p>	+	Laura Castelli Fort & Alessandra Maiorino

<sup>1</sup> Convention of the United Nations for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949): <https://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

			<p>work”<sup>2</sup>. The UN Special Rapporteur on Violence against Women in her report on prostitution highlights that the term “prostitution” is human rights based language which is preferred to the term “sex work” which isn’t recognised in law, and fails to take into account the serious human rights violations characterizing prostitution all the while gaslighting survivors (people with lived experience of prostitution).</p> <p>We recommend replacing “sex work” by “prostitution” and “sex worker” by “person in prostitution”.</p>		
A.2	The Parliamentary Assembly observes with concern that despite these facts, sex workers continue to face stigmatisation and marginalisation, are particularly vulnerable to violence and abuse, and face high levels of discrimination in access to education, employment, health, housing, justice and protection from violence.	The Parliamentary Assembly observes with concern that despite these facts, <b>persons in prostitution</b> continue to face stigmatisation and marginalisation, are particularly vulnerable to violence and abuse, and face high levels of discrimination in access to education, employment, health, housing, justice and protection from violence.	Opt.cit. We recommend replacing “sex work” by “prostitution” and “sex worker” by “person in prostitution”.	+	Laura Castelli Fort & Alessandra Maiorino
A.3	The discrimination experienced by sex workers is not only based on their occupation but also on other prohibited grounds	The discrimination experienced by <b>persons in prostitution</b> is not only based on their <b>situation</b> but also on other prohibited grounds	→ Opt.cit. We recommend replacing “sex work” by “prostitution” and “sex worker” by “person in prostitution”.		Laura Castelli Fort &

<sup>2</sup> European Commission, “Employment and decent work, what is decent work ?”: [https://ec.europa.eu/international-partnerships/topics/employment-and-decent-work\\_en](https://ec.europa.eu/international-partnerships/topics/employment-and-decent-work_en) and the International Labour Organization (ILO) defines decent work as “productive work for women and men in conditions of freedom, equity, security and human dignity” in the ILO report of the Director General (1999)

	including gender, nationality, ethnic origin, migrant status, sexual orientation, gender identity and gender expression. Policies adopted to counter such discrimination should therefore be gender-sensitive and based on an intersectional approach	including gender, nationality, ethnic origin, migrant status, sexual orientation, gender identity and gender expression. Policies adopted to counter such discrimination should therefore be gender-sensitive and based on an intersectional approach	<p>→ We recommend replacing “occupation” by “situation”. Prostitution is not an “occupation”, not a form of “work” but rather a situation fueled by various factors of vulnerability (homelessness, poverty, experience of sexual abuse, addictions). Violence is at the core of the prostitution system : people with lived experience of it highlight that the repetition of sexual acts that are physically, psychologically or socioeconomically coerced is violence in itself.</p>		Alessandra Maiorino
	The Assembly notes that Council of Europe member States have a margin of appreciation in adopting legislation and policies on sex work. They should prioritise a human rights-based approach aimed at preventing and countering exploitation and discrimination against sex workers and ensure their full access to, and enjoyment of, human rights.	The Assembly notes that Council of Europe member States have a margin of appreciation in adopting legislation and policies <b>on prostitution</b> . They should prioritise a human rights-based approach aimed at preventing and countering exploitation and discrimination against <b>persons in prostitution</b> and ensure their full access to, and enjoyment of, human rights.	We recommend replacing “sex work” by “prostitution” and “sex worker” by “person in prostitution” to uphold UN and EU agreed language and a human rights’ terminology.	+	Laura Castel i Fort & Alessandra Maiorino
5	The Assembly considers that preventing and combating trafficking in human beings should be a top priority for	The Assembly considers that preventing and combating trafficking in human beings should be a top priority for Council of Europe member States, which	The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is a universally binding human rights’ treaty. Adopted by the UN General Assembly in 1949, it highlights States’		Laura Castel i Fort & Alessandra Maiorino

	<p>Council of Europe member States, which must step up their efforts to counter this scourge by adopting ambitious legislation and policies and implementing them effectively. Trafficking in human beings is often perpetrated across national borders, therefore member States should further strengthen international co-operation on criminal matters, using appropriate instruments such as the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).</p>	<p>must step up their efforts to counter this scourge by adopting ambitious legislation and policies and implementing them effectively. Trafficking in human beings is often perpetrated across national borders, therefore member States should further strengthen international co-operation on criminal matters, using appropriate instruments such as <b>the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others</b> and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).</p>	<p>obligations with regards to trafficking in human beings for the purpose of sexual exploitation and the exploitation of prostitution of others. In its preamble it highlights “<i>prostitution is incompatible with the dignity of the human person</i>”.</p> <p>In its Article 1 and 2 it calls on Member States to criminalise all forms of pimping (including brothel-owning, profiting from prostitution etc.)</p> <p><a href="#">We recommended adding the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in the legal instruments quoted.</a></p>		
6	<p>The Assembly notes that, while trafficking for purposes of sexual exploitation, including forced prostitution, is one of the main types of trafficking in human beings, particularly with regard to women and girls, sex work should not be conflated with trafficking. Nevertheless, in view of the scale of overlap, co-operation with sex workers and relevant civil society organisations should be part of the implementation of anti-trafficking policies, as they are best placed to identify where sex workers are victims of trafficking.</p>	<p>The Assembly notes that <b>trafficking for the purpose of prostitution is one of the main types of trafficking in human beings, particularly with regard to women and girls.</b></p> <p>Co-operation with <b>persons who are and/or have been in prostitution</b> and relevant civil society organisations should be part of the implementation of anti-trafficking policies, as they are best placed to identify where <b>persons in prostitution</b> are victims of trafficking.</p>	<p>→ Recommend deleting “while” – “including forced prostitution” and “sex work should not be conflated with trafficking”.</p> <p>The difference between “forced prostitution” and a so-called “free prostitution” is illusory. Prostitution and trafficking for sexual exploitation are inextricably linked: they exist because of the male demand for the purchase of sexual acts. In countries where the purchase of sexual acts is</p>	+	<p>Laura Castel i Fort &amp; Alessandra Maiorino</p>

			<p>legal, trafficking for sexual exploitation increases<sup>3</sup>.</p> <p>→ Recommend replacing “sex workers” by “persons who are or have been in prostitution” – “sex workers” by “persons in prostitution” in order to uphold UN and EU agreed language and human rights’ terminology, and not the ideological/propaganda term “sex work”.</p> <p>We recommend deleting “while”, “including forced prostitution”, “sex work should not be conflated with trafficking” and to replace “sex workers” by “persons who are or have been in prostitution”; “sex workers” by “persons in prostitution”</p>		
7	<p>Social stigma and discrimination in access to employment also constitute barriers for sex workers who wish to change their occupation, rendering them more vulnerable to abuse and exploitation. This should be addressed as a matter of urgency by supporting those who decide for any reason to change situations and by combating negative attitudes.</p>	<p>Social stigma and discrimination in access to employment also constitute barriers for <b>persons in prostitution</b> who wish to <b>exit this system</b>, rendering them more vulnerable to abuse and exploitation. This should be addressed as a matter of urgency by supporting those who decide for any reason to change situations and by combating negative attitudes.</p>	<p>We recommend replacing “sex workers” by “persons in prostitution” to uphold the UN and EU agreed language and a human-rights’ based terminology and to replace “their occupation” by “to exit this system” Prostitution is not an “occupation” not a “job”, it is multi-faceted system of violence and exit services should be provided to those wishing to leave it.</p>	+	<p>Laura Castel i Fort &amp; Alessandra Maiorino</p>

<sup>3</sup> Europol, ‘Situation Report – Trafficking in human beings in the EU’, The Hague, 2016, pp. 12, 14 and 22-23.

8	Referring to its Resolution 1983 (2014) “Prostitution, trafficking and modern slavery in Europe”, the Assembly reiterates that, irrespective of the policy model chosen, national legislators and law-enforcement officials should be aware of their responsibility to ensure that sex workers may carry out their activity in dignified conditions; and in all cases, the authorities should refrain from considering prostitution regulations as a substitute for comprehensive action aimed specifically at combating human trafficking, based on a sound legal and policy framework and implemented effectively.	Referring to its Resolution 1983 (2014) “Prostitution, trafficking and modern slavery in Europe”, the Assembly reiterates that, irrespective of the policy model chosen, national legislators and law-enforcement officials should be aware of their responsibility to ensure that persons in prostitution may carry out their activity in dignified conditions; <b>and that “criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings;”</b>	The paragraph is a complete reinterpretation of the Resolution 1983 which unequivocally upholds <i>that “criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings;”</i> .  Europol <sup>4</sup> highlights that in Member States where prostitution is legal, making it much easier for traffickers to use the legal environment to exploit their victims. Trafficking and prostitution are inextricably linked and should be apprehend in the same legislative framework, one that targets the demand at the root of these systems such as the Nordic or Equality Model.  <a href="#">We recommend adding the original paragraph of Resolution 1983 and replacing “sex workers” by “persons in prostitution”.</a>	+	Laura Castel i Fort & Alessandra Maiorino
9	The Assembly refers to the judgment of the European Court of Human Rights of 25 July 2024 in the case of <i>M.A. and Others v. France</i> , which stipulates among other things that although they have a margin of appreciation, national authorities have a duty to keep their regulations on sex work under constant review, especially	The Assembly refers to the judgment of the European Court of Human Rights of 25 July 2024 in the case of <i>M.A. and Others v. France</i> , <b>which acknowledges the combined effect of the decriminalisation of persons in prostitution to the criminalisation of the purchase of sexual acts produced positive</b>	The core of the European Court of Human Rights judgment upholds quite the opposite of what is mentioned in this paragraph: it ruled that the French Equality Model law criminalising the purchase of sexual acts is compatible with the European Convention on Human Rights. It upholds that the so-called negative effects of the law described by the applicants are not evidence-based (§155), that the criminalisation of the purchase of sexual	+	Laura Castel i Fort & Alessandra Maiorino

<sup>4</sup> Europol, ‘Situation Report – Trafficking in human beings in the EU’, The Hague, 2016, pp. 12, 14 and 22-23.

	when they are based on the prohibition of the purchase of sexual acts, so as to be able to amend and adapt them to the evolution of international standards and the impact of their implementation.	<b>effect in the protection of persons in prostitution by reversing the balance of power between sex buyers and persons in prostitution to the benefit of the latter (§163 of the judgment).</b>	acts reversed the balance of power between sex buyers and persons in prostitution to the advantage of the latter (§163), that the penalisation of the purchase of sexual acts was a part of global coherent approach (§158) and that it aimed at safeguarding human dignity and fighting trafficking for sexual exploitation (§141).  We recommend removing the last part of the paragraph “which stipulates...implementation” and replace it with the real outcome of the judgment “which acknowledges...§163 of the judgment”.		
10	The Assembly notes that numerous human rights organisations, experts and officials have recommended full decriminalisation of sex work as the best way to protect the health and human rights of sex workers. This stance was taken among others by the former Council of Europe Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS) the United Nations Population Fund (UNFPA), the World Health Organisation (WHO), the UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, the UN Independent Expert on	The Assembly notes that <b>there is a diversity of opinions on the issue of prostitution and trafficking</b> . Numerous human rights organisations, experts and officials have recommended <b>the adoption of the pillars of the Equality Model on prostitution, namely the decriminalisation of persons in prostitution, the provision of exit pathways, the criminalisation of the buyers of sexual acts and of pimping</b> . This stance was taken among others by the <b>UN Special Rapporteur on Violence against Women, the European Parliament and by the Organisation for Security and Cooperation in Europe. It is also rooted in International Human Rights Law such as the UN Convention for the Suppression</b>	There are various standpoints on the legislative approaches on prostitution. The one that has legal basis in international human rights law (UN Convention 1949, CEDAW 1979, UN Palermo Protocol 2000) that the PACE should abide by, is the Nordic/Equality Model as acknowledged by the UN Special Rapporteur on Violence against Women. The Equality Model is also the one promoted by the European Parliament in order to fight violence against women (Noichl Resolution 2023). The PACE should align and harmonise position with the UN treaties, and the European Parliament, and abstain from promoting harmful policies such as “full decriminalisation” that include the decriminalisation of pimping and of the demand.  In a letter sent on 9/09 to the Committee, 14 umbrella-organisations representing +2000 grassroots, feminist and survivor-led NGOs call	+	Laura Castel i Fort & Alessandra Maiorino

	Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, and the UN Working Group on discrimination against women and girls, as well as major non-governmental organisations such as Amnesty International and Human Rights Watch. The positions and arguments of this wide range of actors should be carefully considered by legislators and policy makers when regulating sex work.	<b>of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the CEDAW (art.6), the UN Palermo Protocol (art.9).</b>	on the committee to reject the present report as it is.  We recommend replacing “full recommendation of sex work...when regulating sex work” by “the adoption of the pillars of the Equality Model...UN Palermo Protocol article 9”.		
11	The Assembly takes note of the reform of sex work recently introduced by the Belgian authorities, which it considers provides a coherent legal framework, comprising civil and labour law regulations, aiming to guarantee sex workers’ safety and dignity and giving them access to social security provisions. The Assembly believes that this reform sets an example that other member States that have decriminalised sex work could follow, with a view to eliminating legal grey zones in which criminal activities may thrive.	0	The report promotes the “Belgian model” which recently went further into the decriminalisation of pimping in its criminal code leading to disastrous consequences for persons in prostitution, and which was highly criticized by grassroots NGOs <sup>5</sup> . The depenalisation of pimping allows pimps to hide behind legal facades to exploit prostituted persons in total impunity. Europol addresses that where prostitution is legal, trafficking for sexual exploitation increases. <sup>6</sup> In Belgium, the realities on the ground are quite different from what is described in this paragraph : according to the grassroots organisation isala, in <b>Brussels' Aerschot street</b> , known for its window prostitution, “each person in prostitution pays an average of €250 a day to brothel managers to rent a	+	Laura Castel i Fort & Alessandra Maiorino

<sup>5</sup> <https://www.isalaasbl.be/prostitution-associations-feministes-expriment-leur-profonde-inquietude-quand-a-lapproche-de-la-belgique/>

<sup>6</sup> Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights - Thursday, 14 September 2023 (europa.eu)



			<p>window. This rent is equivalent to €7,500/month for a person paying these costs every day. This means that the person has to endure <b>150 “free” sexual acts</b> before receiving a single euro for herself.”</p> <p>In May 2015, the Belgian federal police announced that there were 26,000 people in prostitution in Belgium, the overwhelming majority of whom were exploited or trafficked<sup>7</sup>.</p> <p>We recommend deleting this paragraph entirely.</p>		
11 – AMDT 2		<p>The Assembly takes note of <b>the Equality Model which has been adopted in several countries of the Council of Europe such as Sweden, Norway, Iceland, Ireland and France</b>, which it considers a coherent legal framework, <b>as noted by the European Court of Human Rights, to protect persons in prostitution, guaranteeing them a right to exit this system all the while fighting the impunity of perpetrators.</b></p>	<p>This second suggestion of amendment aims to neutralise the harmful paragraph of the original text which promotes “full decriminalisation” including the decriminalisation of pimping and of buyers of sexual acts, which has led to disastrous consequences where implemented: Germany, the Netherlands, Belgium. In Germany, in 2021, 81% of women registered in legal prostitution were foreigners. Since the war in Ukraine, the number of Ukrainian refugee women registered in Berlin's red-light district has increased fivefold<sup>8</sup>.</p> <p>This is the reality of countries which consider and promotes prostitution as a form of “work” in contradiction with international human rights instruments.</p> <p>The Equality Model, upheld by the European Court of Human Rights in 2024 has on the contrary, produced positive effects in the</p>	+	Laura Castelli Fort & Alessandra Maiorino

<sup>7</sup> <https://www.rtl.be/art/info/belgique/societe/toujours-plus-de-prostitution-chez-nous-environ-26-000-personnes-vendent-leur-corps-724233.aspx>

<sup>8</sup> Probea Berlin - Tempelhof-Schöneberg district office <https://service.berlin.de/dienstleistung/331371/standort/328135/en/>

			<p>protection of persons in prostitution : In <b>Sweden</b>, which adopted an abolitionist model in 1999, demand has halved as a result of the criminalisation of the purchase of sexual acts.<sup>9</sup> The drop in demand has made Sweden an unattractive territory for trafficking networks, which have moved away from it.<sup>10</sup> In <b>France, 1 247</b> people have benefited from an exit programme in March 2023, providing psychosocial support, a residence permit for foreign victims, accommodation, monthly financial aid and vocational training<sup>11</sup>.</p> <p>We recommend replacing the last paragraph by “the Equality Model...the impunity of perpetrators”.</p>		
<b>12.1.1</b>	improve data collection on sex work and the situation of sex workers, with a focus on their working and living conditions, safety and exposure to abuse and violence, as well as their access to housing, healthcare, education, and employment;	improve data collection on <b>prostitution</b> and the situation of <b>persons in prostitution</b> , with a focus on their living conditions, safety and exposure to abuse and violence, as well as their access to housing, healthcare, education, and employment;	<p>Replace “sex work” by “prostitution and “sex workers” by “persons in prostitution” to uphold UN and EU agreed language and human rights terminology. Delete “working” as prostitution is not work but a form of violence targeting the most vulnerable and marginalised in Europe.</p> <p>We recommend replacing “sex work” by “prostitution and “sex workers” by “persons in prostitution” and to delete “working”.</p>	+	Laura Castel i Fort & Alessandra Maiorino
<b>12.1.2</b>	keep the implementation of regulations on sex work under constant review, particularly when these are based on the prohibition of the purchase of	keep the implementation of regulations on <b>prostitution</b> under constant review, with a view to assessing their impact on the	<p>Replace “sex work” by “prostitution” and delete “particularly when these are based on the prohibition of the purchase of sexual services, with a view to assessing their impact on the situation and conditions of sex workers”</p>	+	Laura Castel i Fort & Alessandra Maiorino

<sup>9</sup> The Swedish Women's Lobby, Sex purchase in Sweden and Germany, 2023

<sup>10</sup> Sweden Ban on the purchase of a sexual act, an assessment" 2008.

<sup>11</sup> <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/>

	sexual services, with a view to assessing their impact on the situation and conditions of sex workers. Monitoring and evaluation should be carried out by public authorities and by independent evaluation bodies.	situation and conditions of persons in prostitution. Monitoring and evaluation should be carried out by public authorities and by independent evaluation bodies.	as this is unbalanced: policies on “full decriminalisation”/ “legalisation” that actually decriminalise all forms of pimping, buyers of sexual acts should be under constant review. In Germany, where prostitution is legal, 84 persons in prostitution have died from 2002 to 2019 <sup>12</sup> compared to 0 in Sweden which upholds the penalisation of the purchase of sexual acts for the same period <sup>13</sup> .  Recommend replacing “sex work” by “prostitution” and deleting “particularly when these are based on the prohibition of the purchase of sexual services, with a view to assessing their impact on the situation and conditions of sex workers”		
12.2.1	strengthen co-operation with civil society organisations representing sex workers as well as those providing support to sex workers and victims of trafficking in human beings;	strengthen co-operation with civil society organisations supporting <b>persons in prostitution</b> and victims of trafficking in human beings;	We recommend replacing “sex workers” by “persons in prostitution”.	+	Laura Castel i Fort & Alessandra Maiorino
12.2.2	ensure that representatives of sex workers, in particular civil society organisations advocating for their rights, are consulted about the design, implementation, monitoring and evaluation of policies that have a bearing on sex work, as well as anti-trafficking policies.	ensure that representatives of <b>persons who are or who have been in prostitution</b> , in particular civil society organisations advocating for their rights, are consulted about the design, implementation, monitoring and evaluation of policies that have a	We recommend replacing “sex workers” by “persons who are or who have been in prostitution” as survivors of prostitution should be heard and included in cooperation on the issue of prostitution and to replace “sex work” by “prostitution”.	+	Laura Castel i Fort & Alessandra Maiorino

<sup>12</sup> <https://prostitutionresearch.com/wp-content/uploads/2019/04/Murders-of-prostituted-women-in-Germany-since-legal-prostitution-in-2002.pdf>

<sup>13</sup> Sweden Ambassador against trafficking in human beings

		bearing on <b>prostitution</b> , as well as anti-trafficking policies.			
<b>12.3.1</b>	ensure that sex workers have effective and fair conditions of access to structures and programmes established to support victims of gender-based violence, such as shelters, in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention);	ensure that <b>persons in prostitution</b> have effective and fair conditions of access to structures and programmes established to support victims of gender-based violence, such as shelters, <b>protection, and exit services</b> , in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention) <b>and Article 6 and 16 of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.</b>	<p>Article 6 of the UN Convention of 1949 protects women in prostitution from being imposed any administrative status of person in prostitution:</p> <p>Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.</p> <p>Article 16 of the UN 1949 Convention creates rights for the persons in prostitution:</p> <p>The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.</p> <p>Although we acknowledge the outdated terminology “social adjustment” present in this article (as in many other UN conventions from that period of time), it is an ambitious provision allowing the creation of a victim status for the persons in prostitution and highlighting rights arising from it.</p>	+	Laura Castel i Fort & Alessandra Maiorino

			We recommend replacing “sex workers” by “persons in prostitution” and to add “protection and exit services” so as <i>Article 6 and 16 of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others</i> .		
12.3.2	ensure that sex workers who are victims of violence have access to information about their rights, reporting mechanisms, social services and legal support without discrimination or criminalisation	ensure that <b>persons in prostitution</b> have access to information about their rights, reporting mechanisms, social services and legal support without discrimination or criminalisation	Persons in prostitution are victims of male violence against women: the repetition of sexual acts that are physically, psychologically and socioeconomically coerced is in and of itself a violence. Doctors of the World Spain (Medicos del Mundo) highlights that the consequences of prostitution are similar to those experiences by victims of torture. A majority of persons in prostitution suffer from post-traumatic stress disorder due to the various forms of violence experienced in prostitution : rapes, physical and sexual assaults <sup>14</sup> etc. We recommend replacing “sex workers” by “persons in prostitution”	+	Laura Castel i Fort & Alessandra Maiorino
12.4.1	ensure that sex workers have access to the full range of sexual and reproductive healthcare services, including prevention and treatment for HIV and other sexually transmitted infections, screening for reproductive cancers, contraception, safe abortion care and trauma counselling.	ensure that <b>persons in prostitution</b> have access to the full range of sexual and reproductive healthcare services, including prevention and treatment for HIV and other sexually transmitted infections, screening for reproductive cancers, contraception, safe abortion care and trauma counselling.	We recommend replacing “sex workers” by “persons in prostitution” to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino

<sup>14</sup> Get the Facts: What we know about sex trafficking, sexual exploitation and prostitution in the United States, World Without Exploitation (January 2020), <https://www.equalitymodelus.org/wp-content/uploads/2020/02/Get-the-Facts-January-2020.pdf>.

12.5.1	conduct or support awareness-raising campaigns aiming to counter stigmatisation and bias against sex workers;	conduct or support awareness-raising campaigns aiming to counter stigmatisation and bias against <b>persons in prostitution</b> ;	We recommend replacing “sex workers” by “persons in prostitution” to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino
12.5.2	disseminate information on services provided to sex workers, such as healthcare services, and on exit programmes (support provided to those who wish to leave sex work);	disseminate information on services provided to <b>persons in prostitution</b> , such as healthcare services, and on exit programmes (support provided to those who wish to <b>leave prostitution</b> );	We recommend replacing “sex workers” by “persons in prostitution” and “sex work” by prostitution to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino
12.5.3	introduce or strengthen training programmes for health professionals, social services, law enforcement officials and the judiciary on the situation and needs of sex workers	introduce or strengthen training programmes for health professionals, social services, law enforcement officials and the judiciary on the situation and needs of <b>persons in prostitution</b> .	We recommend replacing “sex workers” by “persons in prostitution” to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino
12.6	as regards regulating sex work, work conditions, and leaving sex work:	as regards regulating <b>prostitution</b> , and leaving <b>prostitution</b> :	We recommend replacing “sex work” by “prostitution” to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino
12.6.1	address inequalities and discrimination in access to employment, with a view to ensuring that no-one has to rely on sex work due to poverty or discrimination, and that anyone can leave sex work if they so choose;	address inequalities and discrimination in access to employment, with a view to ensuring that no-one has to rely on <b>prostitution</b> due to poverty or discrimination, and that anyone can leave <b>prostitution</b> if they so choose;	We recommend replacing “sex work” by “prostitution” to uphold international human rights terminology and EU/UN agreed language.	+	Laura Castel i Fort & Alessandra Maiorino
New 12.6.2	0	<i>implement exit programmes in every Council of Europe member</i>	As regard to paragraph 60 of the memorandum of information of the report.	+	Laura Castel i

		<i>States and beyond, irrespective of policies on prostitution</i>	Exit pathways should be made available to all persons in prostitution wishing to leave this system regardless of the policies on prostitution.  <i>We recommend the inclusion of this new paragraph.</i>		Fort & Alessandra Maiorino
<b>12.6.2</b>	protect the right of sex workers to just conditions of work, by mainstreaming regulations on sex work consistently with general labour law, as well as ensuring access to social security provisions related to, among others, pensions, unemployment, health insurance, family benefits, annual vacation, parental leave;	protect the rights <b>of persons in prostitution by decriminalising them, guaranteeing exit pathways to them, prohibiting the purchase of sexual acts and all forms of pimping</b>	“ <i>We don’t need labour laws, we need the rights that come with being recognised as victims of violence</i> ” says Saga Brodersen, survivor of prostitution from the survivor led collective #NotYourWhore. Legalising prostitution and erecting it as a form of work perpetuates systemic discrimination and violence against women in prostitution. The violence inherent to the prostitution system, perpetrated by sex buyers and pimps can not be soften.  <i>We recommend replacing “sex work” by “prostitution” to uphold international human rights terminology and EU/UN agreed language.</i>	+	Laura Castel i Fort & Alessandra Maiorino
<b>New 12.6.3</b>		<b><i>Protect persons in prostitution against all forms of pimping by criminalising the act of helping, assisting or protecting the prostitution of others; of profiting from it, of sharing the economic products of it or receiving subsidies from a prostituted person; of hiring, grooming, or leading away an individual or pressuring them into prostitution.</i></b>	This definition is one from the French abolitionist legislation, supported by the UN Special Rapporteur on Violence against Women, acknowledged by the European Parliament and recently validated by the ECtHR.  This amendment would be interesting to include as a new one as there is no mention of pimping in the current report.  <i>We recommend adding this new paragraph on pimping.</i>	+	Laura Castel i Fort & Alessandra Maiorino

12.6.3	protect the safety and dignity of sex workers, including by stipulating specific freedoms such as the freedom to refuse a client, to refuse or interrupt an act, or to perform it the way they wish, and access security devices such as an alarm button;	protect the safety and dignity of <b>persons in prostitution</b> , including by <b>addressing their right to live a life free from violence and exploitation, by decriminalising them, providing them with exit services.</b>	Persons with lived experience of prostitution testify themselves that the so-called protections mentioned in the original paragraph are completely inefficient and not realistic in practice. Sex buyers themselves recognise “ <i>Once you paid you can do whatever you want with her</i> ” <sup>15</sup> . Prostitution is violent not matter if regulated or not. The legalisation of prostitution on the contrary, gives power to the pimps to exploit in total impunity persons in prostitution behind legal facades.	+	Laura Castel i Fort & Alessandra Maiorino
New 12.6.4		<b>To discourage the demand that fosters trafficking for sexual exploitation by ensuring that it is punishable as a criminal offence to solicit, accept or obtain a sexual act from a person in prostitution in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such benefit</b>	Article 9 of the UN Palermo Protocol calls on Member States to discourage the demand so as the UN General Assembly Resolution 77-194. The OSCE recalls that demand fosters trafficking for sexual exploitation and is the real incentive for trafficking <sup>16</sup> .  This amendment is in line with the recommendation of the European Parliament enshrined in the Noichl Resolution (2024).  <i>We recommend the inclusion of this amendment in order to incorporate a provision on demand.</i>	+	Laura Castel i Fort & Alessandra Maiorino
12.6.4	recognise the right of sex workers to associate and to form or join trade unions.	0	Prostitution is not a form of work, it is violence. It does not respect the criteria for “decent work” upheld by the International Labour Organisation: a work that respects dignity and security. Trade unions all over the world call for prostitution to be recognised as a form of	+	Laura Castel i Fort & Alessandra Maiorino

<sup>15</sup> <https://www.pressegauche.org/L-Allemagne-est-le-bordel-de-l-Europe-On-estime-que-1-2-million-d-hommes-y>

<sup>16</sup> [https://www.osce.org/files/f/documents/7/f/489388\\_2.pdf](https://www.osce.org/files/f/documents/7/f/489388_2.pdf)



			<p>violence<sup>17</sup>. In France major trade unions welcomed the judgment of ECtHR upholding the conventionality of the purchase of sexual acts in a statement addressing that “<i>recognising prostitution as “a job like any other” leads to the degradation of the fundamental conception of work, to the acceptance of the creation of a second-class workforce, deprived of the most basic protections in terms of health, safety, subordination, etc. A workforce not covered by legislation prohibiting harassment and violence in the workplace.</i>”<sup>18</sup>”</p> <p>We recommend deleting this paragraph entirely.</p>		
12.7.1	sign, ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings if they have not yet done so and fully co-operate with its monitoring mechanism;	sign, ratify and implement the <b>UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the UN Palermo Protocol</b> , Council of Europe Convention on Action against Trafficking in Human Beings if they have not yet done so and fully co-operate with its monitoring mechanism;	We recommend adding these two instruments.	+	Laura Castel i Fort & Alessandra Maiorino
12.7.2 new		<b>Take necessary measures to discourage the demand in line with Article 9 of the UN Palermo Protocol</b>	<p>Article 9 of the UN Palermo Protocol stresses that:</p> <p>“5. <i>States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral</i></p>	+	Laura Castel i Fort & Alessandra Maiorino

<sup>17</sup> <https://www.youtube.com/watch?v=CBugOAXPfcE>, <https://www.youtube.com/watch?v=ZC1lj4wuvoQ>, <https://www.youtube.com/watch?v=0cKWZ4jFiXA>

<sup>18</sup> <https://syndicollectif.fr/prostitution-communique-unitaire-suite-a-la-decision-de-la-cedh/>

			<i>cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”</i>		
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## Scrisoare către deputați, membri ai Adunării Parlamentare a Consiliului Europei (APCE).

Platforma ProTECT face apel la membrii APCE să **respingă** și să **voteze împotriva** raportului **„Protejarea drepturilor omului și îmbunătățirea vieții lucrătorilor sexuali și a victimelor exploatării sexuale” / „Protecting the human rights of sex workers and victims of sexual exploitation”**.

Expertiza noastră colectivă ne permite să concluzionăm că **prostituția este o formă de violență împotriva celor mai vulnerabile persoane și că legalizarea acesteia (sau „dezincriminarea completă”, după cum se menționează în raport) reprezintă o amenințare reală la adresa vieții femeilor aflate în prostituție**.

Raportul s-a bazat pe un proces de consultare netransparent, implicând organizații care susțin legalizarea completă a prostituției, inclusiv proxenetismul și cumpărarea de servicii sexuale, și a exclus vocile victimelor exploatării sexuale și ale organizațiilor de la firul ierbii care lucrează pe prevenirea și asistența victimelor exploatării și traficului de persoane.

Considerăm că raportul, care va fi votat în 2 octombrie, este dăunător pentru persoanele aflate în prostituție și pentru drepturile femeilor din mai multe motive:

- Raportul promovează „modelul belgian”, care a dezincriminat recent proxenetismul, permițând proxeneților să se ascundă în spatele legii pentru a exploata persoanele aflate în prostituție cu totală impunitate. Europol constată că acolo unde prostituția este legală, traficul în scopul exploatării sexuale crește<sup>1</sup>. În Germania, care a legalizat prostituția în 2002, 82% din persoanele înregistrate în prostituție sunt de altă naționalitate<sup>2</sup>.
- Raportul nu recunoaște că cererea pentru cumpărarea de acte sexuale este principala cauză a prostituției și a traficului de persoane în scopul exploatării sexuale. Acolo unde prostituția a fost legalizată / „complet dezincriminată”, cererea pentru cumpărarea de acte sexuale a explodat (Germania, Țările de Jos și Spania).
- Utilizarea termenului „muncă sexuală” (sex work) contravine limbajului convenit la nivel european și al ONU, care utilizează termenul neutru „prostituție”. Legislația internațională privind drepturile omului (Convenția ONU din 1949<sup>3</sup>) recunoaște prostituția drept o „încălcare a demnității persoanei umane”. Astfel, conform raportului, o încălcare a demnității umane ar putea fi recunoscută drept muncă de către Adunarea Parlamentară a Consiliului Europei.
- Raportul nu respectă cele mai înalte standarde de protecție a drepturilor internaționale și europene ale omului privind prostituția și traficul în scopul exploatării sexuale:

<sup>1</sup> [Reglementarea prostituției în UE: implicațiile sale transfrontaliere și impactul asupra egalității de gen și a drepturilor femeilor](#)

<sup>2</sup> [https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/07/PD24\\_271\\_228.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/07/PD24_271_228.html)

<sup>3</sup> [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#)



- **Convenția ONU din 1949** prevede că prostituția este incompatibilă cu demnitatea umană. La articolele 1 și 2, Convenția invită statele membre să sancționeze proxenetismul în toate formele sale, inclusiv deținerea de bordeluri și profitul din prostituția altor persoane, chiar și cu consimțământul acestora<sup>4</sup>.
- **CEDAW (1979)**<sup>5</sup>, la articolul 6, solicită statelor să suprimă exploatarea prostituției femeilor.
- **Protocolul de la Palermo al ONU (2000)**<sup>6</sup> solicită statelor să descurajeze cererea care favorizează toate formele de exploatare.
- **Parlamentul European (2014)** recunoaște că prostituția este o „încălcare a demnității umane” și „un obstacol în calea egalității între femei și bărbați, contrar Cartei drepturilor fundamentale a UE”<sup>7</sup>.
- În **2023**, Parlamentul European a reafirmat că prostituția implică violență și a solicitat statelor membre să dezincrimineze persoanele aflate în prostituție, să le ofere căi de ieșire și să incrimineze cumpărarea de acte sexuale și proxeneții<sup>8</sup>.
- În **2024**, **Raportorul special al ONU privind violența împotriva femeilor**<sup>9</sup> afirmă că „legalizarea prostituției amplifică cererea, favorizează violența împotriva femeilor și fetelor și reduce capacitatea autorităților de a monitoriza, identifica și sancționa infractorii, inclusiv traficanții”.

Având în vedere aceste argumente, Platforma ProTECT susține o Europă în care cele mai vulnerabile femei și fete nu sunt comercializate/cumpărate și vândute și îndeamnă membrii APCE **să respingă și să voteze împotriva** raportului privind „**Protejarea drepturilor omului și îmbunătățirea vieților lucrătorilor sexuali și ale victimelor exploatării sexuale**”.

*ProTECT este o coaliție de organizații specializate care luptă împotriva traficului de persoane și protejează drepturile victimelor și supraviețuitorilor, care reunește în prezent douăzeci și cinci dintre cele mai active organizații neguvernamentale în domeniu. Misiunea ProTECT este de a acționa ca un catalizator și centru de resurse pentru membrii săi și alte entități publice și private cu obiective similare, astfel încât aceștia să colaboreze eficient în prevenirea, protecția și asistența victimelor, dezvoltarea de politici publice și advocacy, la proiecte și inițiative cu un impact din ce în ce mai mare în combaterea traficului de persoane.*

<sup>4</sup> [Convenția pentru Suprimarea Traficului de Persoane și a Exploatării Prostituei Altora](#), Art. 1, 2.

<sup>5</sup> [Convenția privind eliminarea tuturor formelor de discriminare împotriva femeilor 1979](#), Art. 6.

<sup>6</sup> [PROTOCOLUL privind prevenirea, reprimarea și pedepsirea traficului de persoane, în special al femeilor și copiilor, adițional la Convenția Națiunilor Unite împotriva criminalității transnaționale organizate](#), Art. 9.

<sup>7</sup> [Rezoluția Parlamentului European din 26 februarie 2014 referitoare la exploatarea sexuală și prostituția - impactul acestora asupra egalității de gen \(2013/2103\(INI\)\)](#)

<sup>8</sup> [Rezoluția Parlamentului European din 14 septembrie 2023 referitoare la reglementarea prostituției în UE: implicațiile sale transfrontaliere și impactul asupra egalității de gen și a drepturilor femeilor \(2022/2139\(INI\)\)](#)

<sup>9</sup> [Report of the Special Rapporteur on violence against women and girls, its causes and consequences. Reem Alsalem](#), p. 11.